

TO: Board of Supervisors

FROM: David Edge, Administrative Officer

DATE: June 28, 2005

SUBJECT: Response to the 2004-2005 Grand Jury Report on the Cayucos Sanitary District and Morro Bay Wastewater Treatment Plant

RECOMMENDATION

The Board of Supervisors adopt and direct the Board Chair to sign the attached response, to the May 2005 Grand Jury Report on the Cayucos Sanitary District and Morro Bay Wastewater Treatment Plant, and forward these responses to the Presiding Judge.

DISCUSSION

The Grand Jury issued an interim report in March of 2005. The interim report addressed six reports topics pertaining county operations. Five of the topics in the report required responses by your Board and the remaining report is informational in nature, not requiring a response. Recommended responses to those reports will be brought to your Board separately.

The Grand Jury topic addressed in this Board letter involves a report on the Cayucos Sanitary District and Morro Bay Wastewater Plant. Your Board was asked to respond to a recommendation regarding continuing provisions contained in the interim ordinance related to the land application of treated sewage sludge/biosolids. Specifically, the Grand Jury recommends the Board continue allowing the Morro Bay Wastewater Plant to recycle their sewer sludge processed to compost in accordance with the existing interim ordinance, should the interim ordinance be made permanent. The Grand Jury further recommends that the (permanent) ordinance should comply with the California Health and Safety Codes 25141 and 25142 and all subsections and the Agriculture Code Section 14505.

The existing Interim County Ordinance regulates the application of treated sewage sludge/biosolids. The ordinance exempts biosolids that are composted and other biosolid products packaged in a bag or other container for routine landscaping. The interim ordinance also exempts biosolids otherwise disposed at a landfill.

The intent of the Grand Jury recommendation is to have the Board agree, at this time, to include in any future permanent ordinance the exemption that allows the Morro Bay Wastewater Treatment plant to compost the biosolids resulting from the operation of the plant.

The Public Health Department's Division of Environmental Health intends to bring a permanent ordinance before the Board of Supervisors before March of 2006. While your Board may agree with the general concept expressed in this recommendation, the process for converting an interim ordinance to a permanent ordinance involves public notice, public hearings and the presentation of information, both in support and possibly in opposition to the ordinance. The Board is required by law to consider the information presented as part of

the public hearing on all ordinances brought before the Board. Agreement with the Grand Jury's recommendation may be construed as committing the Board to a course of action in advance of considering information presented at the time the decision is made. Consequently, the recommended response is that the issue requires further study.

OTHER AGENCY INVOLVEMENT

The Public Health Department Division of Environmental Health and County Counsel were consulted regarding the recommended response to the Grand Jury.

FINANCIAL CONSIDERATIONS

Fiscal considerations related to the response are not known at this time. Should the Board choose to not allow the continued exemptions contained in the existing interim ordinance, there may be additional costs for the operators of the wastewater treatment plants related to the disposal of sewage sludge/biosolids.

RESULTS

Approval of the Grand Jury response will assure the County's compliance with the California Penal Code.

**TO: Honorable Michael Duffy, Presiding Judge
California Superior Court, San Luis Obispo**

COPY: Myron Gilbert, Grand Jury Foreman

DATE: June 28, 2005

**SUBJECT: Response to the 2004-2005 Grand Jury Report on the Cayucos Sanitary
District and Morro Bay Wastewater Treatment Plant**

This memo provides the Board of Supervisors formal response to the report on the Cayucos Sanitary District and Morro Bay Wastewater Treatment Plant. The Board was asked to respond to the Grand Jury Recommendation No. 1 in the report. The other required responses in the Grand Jury report pertain to the City of Morro Bay.

Grand Jury Recommendation #1:

The Board of Supervisors should continue allowing the plant to recycle their sewage sludge processed to compost in Accordance with Title 8, Health and Sanitation Chapter 8.13.030 Interim Moratorium if it becomes a permanent ordinance. The ordinance should comply with California Health and Safety Codes 25141, 25142 and all subsections, as well as Food and Agriculture Code 14505.

Board Response:

The recommendation requires further analysis. While we agree with the general concept expressed in this recommendation, the process for converting an interim ordinance to a permanent ordinance involves public notice, public hearings and the presentation of information, both in support and possibly in opposition to the ordinance. The Board is required by law to consider the information presented as part of the public hearing on ordinances brought before the Board. Agreement with the Grand Jury's recommendation may be construed as committing the Board to a course of action in advance of considering information presented at the time the decision is made.

The Public Health Department's Division of Environmental Health intends to bring a permanent ordinance before the Board of Supervisors before March of 2006. Ordinances passed by the County are consistent with the requirements of state law.

Yours sincerely,

Shirley Bianchi
Chair, Board of Supervisors

TO: Board of Supervisors

FROM: Dan Buckshi, Administrative Analyst

DATE: July 19, 2005

SUBJECT: Response to the Final 2004-2005 Grand Jury Report regarding
Child Welfare Services.

RECOMMENDATION

The Board of Supervisors adopt the Administrative Office's response as the Board of Supervisors' response to the 2004-2005 Grand Jury Report regarding Child Welfare Services, and forward these responses to the Presiding Judge.

DISCUSSION

The Grand Jury issued its final report in June of 2005 and a portion of the report pertained to Child Welfare Services operations, which reside in the Department of Social Services. In summary, the findings of the 2004-05 Grand Jury were positive and that much progress has been made since the 2003-04 Grand Jury published its findings. Listed below are the 2004-05 Grand Jury findings and recommendations and the Administrative Office's responses.

Finding

An Organizational Effectiveness Cycle program was initiated in March 2005, for the DSS to address the "lingering" issues of trust between line staff and management.

Response

The Administrative Office agrees with this finding.

Recommendation

The CAO should report to the Board of Supervisors the status and progress of the organizational health of CWS by December 2005.

Response

A status and progress report will be provided to the Board of Supervisors by December 30, 2005.

OTHER AGENCY INVOLVEMENT

The Department of Social Services has been involved in the Organizational Effectiveness program.

FINANCIAL CONSIDERATIONS

N/A

RESULTS

Approval of the Grand Jury response will assure the County's compliance with the California Penal Code.

TO: Board of Supervisors

FROM: Dan Buckshi, Administrative Analyst

DATE: July 19, 2005

SUBJECT: Response to the Final 2004-2005 Grand Jury Report regarding Child Welfare Services.

RECOMMENDATION

The Board of Supervisors adopt the Administrative Office's response as the Board of Supervisors' response to the 2004-2005 Grand Jury Report regarding Child Welfare Services, and forward these responses to the Presiding Judge.

DISCUSSION

The Grand Jury issued its final report in June of 2005 and a portion of the report pertained to Child Welfare Services operations, which reside in the Department of Social Services. In summary, the findings of the 2004-05 Grand Jury were positive and that much progress has been made since the 2003-04 Grand Jury published its findings. Listed below are the 2004-05 Grand Jury findings and recommendations and the Administrative Office's responses.

Finding

An Organizational Effectiveness Cycle program was initiated in March 2005, for the DSS to address the "lingering" issues of trust between line staff and management.

Response

The Administrative Office agrees with this finding.

Recommendation

The CAO should report to the Board of Supervisors the status and progress of the organizational health of CWS by December 2005.

Response

A status and progress report will be provided to the Board of Supervisors by December 30, 2005.

OTHER AGENCY INVOLVEMENT

The Department of Social Services has been involved in the Organizational Effectiveness program.

FINANCIAL CONSIDERATIONS

N/A

RESULTS

Approval of the Grand Jury response will assure the County's compliance with the California Penal Code.

TO: BOARD OF SUPERVISORS

FROM: DAVID EDGE, COUNTY ADMINISTRATOR

DATE: JULY 26, 2005

SUBJECT: RESPONSE TO THE 2004-05 GRAND JURY REPORT ON FOOD ESTABLISHMENTS: ARE THEY SAFE?

Recommendation

That the Board of Supervisors adopt the Public Health Department and its Environmental Health Division's response to the June, 2005 Grand Jury Report on Food Establishments: Are they Safe? and forward it to the Presiding Judge.

Discussion

The Grand Jury issued its final report in June of 2005 and a portion of the reported pertained to food establishments and whether they were safe. In summary, the Grand Jury found that Environmental Health Inspectors are competent and thorough in performing their duties despite the significant increase in the number of retail food facilities in the County over the past several years. It should be noted that, even with the increase in food establishments, the number of complaints received by the Division has remained consistent with approximately 200 a year.

One finding and recommendation was made for the Public Health Department and its Environmental Health Division's citizens complaint process. The Department response is attached but in summary they agree with the finding and it is their intent to implement the recommendation by making available an interactive citizens complaint form on the Public Health Department's website by January of 2006. In the meantime, the Environmental Health Division will continue to response to any complaints received by the public via phone or writing.

Other Agency Involvement/Impact

The Public Health Department, along with its Division of Environmental Health, prepared the recommended result to the Grand Jury.

BOARD OF SUPERVISORS

July 26, 2005

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Financial Consideration

As the implementation of the website interactive citizen complaint form is already in process, there is no financial considerations associated with implementing the Grand Jury's recommendation at this time.

Results

Approval of this Grand Jury response will assure the County's compliance with the California Penal Code.

TO: David Edge, County Administrator

FROM: Jess Montoya, Health Agency Director
Curt Batson, REHS, Environmental Health Services Division

DATE: July 15, 2005

SUBJECT: Response to 2004-2005 Grand Jury Report
Re: Food Establishments: Are They Safe?

The Health Agency has reviewed the 2004-2005 Grand Jury Report pertaining to Food Establishments: Are They Safe. In accordance with Penal Code Section 933, the following is a response on behalf of the Health Agency regarding the findings and recommendation in the Grand Jury Report. The Agency wishes to acknowledge the efforts of the 2004-2005 Grand Jury in pursuing this issue. Responses to the Grand Jury Report are in bold.

Finding (1):

The current complaint investigation form is designed only for internal use.

Response:

The respondent agrees with the finding.

Finding (2):

An independent citizen complaint form does not exist.

Response:

The respondent agrees with the finding.

Recommendation (1):

Develop and provide citizens with a separate complaint form. (Findings 1 and 2)

Response:

The recommendation has not yet been implemented, but will be implemented in the future. It is our intention to make the citizen complaint form available on our website and also make it interactive. The website is currently under revision and is estimated to be completed in October or November. We will complete the interactive web based citizen complaint form by January 1, 2006.

Commissioners:

K. H. “Katcho” Achadjian
*Chairperson,
Supervisor, 4th District,
County Board of Supervisors*

Elizabeth Steinberg
*Vice-Chairperson,
Designated Representative,
Child Care Planning Council*

René Bravo, M.D.
*Designated Representative,
San Luis Obispo County
Medical Society*

Lee Collins
*Designated Representative,
Director,
Department of Social Services*

Julian Crocker
*Designated Representative,
County Superintendent of
Schools*

Don Dennison
*Designated Representative,
Children's Services Network*

Joel Diringer, J.D., M.P.H.
*Representative at Large,
Community,
Attorney/Consultant*

Kathy Long
*Representative at Large,
Community,
School Psychologist*

Gregory Thomas, M.D.
*Designated Representative,
Public Health Administrator,
Health Officer*

Executive Director
Susan K. Hughes

www.first5slo.org

DATE: May 25, 2005

TO: Honorable Michael L. Duffy
San Luis Obispo County Superior Court
1035 Palm Street, Room 385
San Luis Obispo, CA 93401

FROM: Susan Hughes
Executive Director
First 5 Children and Families Commission of San Luis Obispo County
2995 McMillan Ave. #282
San Luis Obispo, CA 93401

SUBJECT: RESPONSE TO 2005 GRAND JURY FINDINGS

At its regular meeting on May 25, 2005, the First 5 Children and Families Commission of San Luis Obispo County reviewed the San Luis Obispo County Grand Jury Report, “The Tobacco Tax Program: “Raising Our Future.”

The Commission specifically reviewed the findings and has prepared the following responses:

Findings 1 and 2.

1. Invoices submitted by First 5 funded projects are not audited against actual expenditures.
2. The County does not audit summaries of expenses for individual First 5 projects to gain assurance about whether they are free of material misstatements or illegal transactions.

The First 5 Commission disagrees partially with the finding.

Program site visits were conducted at all funded programs during FY 2001-02 to determine whether or not to continue funding the programs. All invoices received by First 5 are closely monitored and compared against not only approved budgets, but also program activities as reported in the quarterly reports that are received from the funded programs. Activities from the quarterly reports are indicative of appropriate expenditures. If staff determined the expenditures appeared to be out of compliance with the approved budgeted amounts, then more detailed information was requested.

Also, if staff determined the amount of expenditure did not reflect the amount and type of program activities reported in quarterly reports, then additional information was requested. While not a formal audit, this process uncovered incorrect billing amounts resulting in substantial monetary savings to the Commission.

Recommendation 1.

The Commission should require evidence that a financial audit has been performed for every funded project and receive a copy of the audit report. (Findings 1. and 2.)

The recommendation has not yet been implemented, but will be implemented by June 30, 2005.

Commission staff has developed site audit forms to monitor both programmatic components and financial expenditures of each funded program. Three site visits will be conducted and results reported to the Commission by June 30, 2005. During FY 2005/06 and 2006/07, sites visits will be scheduled for the remaining 2004-07 funded programs and initiatives and corresponding reports will be submitted to the Commission.

Additionally, a letter will be sent to each 2004-07 funded program requiring an outside audit be submitted to First 5 staff for FY’s 04/05, 05/06 and 06/07. The letter will be sent before June 30, 2005.

Finding 3.

The “success indicators” for the Childcare Retention Initiative have not been supported with data on results.

The First 5 Commission disagrees partially with the finding.

While there have been challenges to measuring the overall effectiveness of the project, data has shown an increase in education and training among the participating providers; however, it has been problematic to link the increase in education and training to increased retention, a goal developed by the First 5 State Commission.

Recommendation 2.

To evaluate the Child Staff Retention project, the defined “indicators” for that project need to be supported with data. (Finding 3.)

The recommendation has not yet been implemented, but will be implemented by September 30, 2005.

Since this project is a matching funds program with the First 5 California Commission, there are state established guidelines and parameters. Throughout the state, programs have had difficulty attributing stipends directly to increased staff retention. A revised model for funding from July 2005 to January 2009 was released by the State Commission in March 2005. Commission staff currently is working with project staff to determine the most effective and measurable components to include in a new model (as defined in the State Commission Request for

Proposals). The new model will be presented to the Commission for approval and funding in May/June 2005. At that time the Commission will determine whether or not to continue to fund the program through January 2009.

Findings 4. & 5.

4. Child abuse/neglect victims have disproportional higher incidences of developmental delays and medical and/or social problems; and about 35 percent of homeless adults and 30 percent of California prisoners have foster care history.

5. The First 5 program does not currently support a project aimed at helping abused/neglected children under the age of five who are wards of the court.

The First 5 Commission agrees with findings 4. & 5.

Recommendation 3.

The Commission should initiate a project aimed at helping abused/neglected children under the age of five who are wards of the court. (Findings 4. & 5.)

The First 5 Commission will not implement the recommendation because it is not warranted.

While the Commission doesn't directly support a program that addresses abused and neglected children under age 5 **who are wards of the court**, the Commission has funded and continues to fund many programs designed as “preventative” as opposed to providing a direct service or an intervention. The Commission has chosen to fund programs that address children at risk of abuse and neglect using a prevention model as noted below.

Between January 2001 when First 5 funded programs began service delivery in this county, and the current funding cycle, the following programs have addressed children at-risk of abuse or neglect. **In presenting this list, it is important to keep in mind that “prevention” services are a distinguishing characteristic of First 5 programs as opposed to traditional “intervention services.”**

The Commission realizes the value of prevention vs. intervention. For example:

- Every \$1 spent on high quality preschool programs for at-risk children saves \$7-\$10 through reduced need for special education, reduced juvenile crime, reduced welfare costs, and higher adult earnings. (*U.S. House Select Committee on Children, Youth and Families, 1990; High Scope Educational Research Foundation, 1993; Rethinking the New Insights into Early Development, Appendix B, Families and Work Institute*)
- Early and comprehensive prenatal care saves \$3 for every one dollar invested. (*U.S. House Select Committee on Children, Youth and Families, 1990*)
- Every dollar invested in childhood immunization saves, on average, \$10 in costs for hospitalizations and other treatments. (*U.S. House Select Committee on Children, Youth and Families, 1990*)

Program Name-Agency	Description of Child Abuse/Neglect Activities
Children’s Screening and Intervention Program	In-home parent education to families at highest risk of child abuse and/or neglect. Referral source includes Child Welfare Services with Department of Social Services. Duration of services can be as long as 3 months. Approximate Number of Participants Served To Date: 400
First Time Mothers Program	Home visitation services from highly trained Public Health Nurse’s to first time mothers at or below 200% of poverty level, provide education in support in multiple areas that prevent child abuse and neglect until the newborn reaches two years of age. Approximate Number of Participants Served To Date: 400
Head Start	Summer services in the Year Round Program until 2003 and Kindergarten Transition Program as of 2004 utilize Family Advocates who make home visits and identify and respond to situations where children are at-risk of abuse or neglect. Approximate Number of Participants Served To Date: 432
Homeless Shelter Day Care	Childcare Services to homeless children were provided at the Homeless Shelter while parents sought services toward self-sufficiency and improved well-being, i.e. counseling. Program not funded as of 2003 due to under utilization.
Teen Academic Parenting Program (TAPP)	Coordinator of Parent Education funded by First 5 provided teen parents with an array of support services ranging from childbirth education to parenting education. The on-going home visitation and case management by TAPP Social Workers provided opportunities for identification of children at-risk of abuse or neglect. Approximate Number of Participants Served To Date: 400
Postpartum Depression	Crisis line and emergency counseling services in addition to referral to treatment for non-emergency cases. Approximate Number of Participants Served To Date: 50
Perinatal Substance Abuse Initiative	Still in the planning and infrastructure development phase, this initiative is coordinating identification of perinatal substance abuse by health care providers and referral to existing services. Future goals of the initiative are to develop additional treatment services once positive identification of substance-exposed children occurs.
Play Therapy	Innovative therapy to children exposed to perinatal substance abuse and their mothers. Approximate Number of Participants Served To Date: 100 (Not funded as of 2003 due in part to the Commission’s new focus on prevention vs. intervention)

In addition to the direct service programs listed above, the First 5 Commission funded mini-grants, no longer active, that had a link to child abuse/neglect such as Newborn Bonding Kits for families in the Early Support and Medically Vulnerable Infant Programs, play therapy equipment for Easter Seals, play equipment for children at Pasos de Vida, and improving access to childcare for disabled children. As noted earlier, these programs are best characterized as "preventative" in terms of child abuse/neglect.

Finding 6.

The Commission has not adopted a policy to establish a monetary or percentage limit for administrative expenses.

The Commission agrees with the finding.

Recommendation 4.

The Commission should adopt a policy establishing a monetary or percentage limit for its administrative expenses. (Finding 6.)

The recommendation requires further analysis. In July 2005, the California State Auditor's office issued findings and recommendations regarding its audit of First 5 California and 5 county First 5 Commissions. When the State Auditor's report was issued, the Commission directed staff to bring forth a policy for consideration and approval.

Concurrent with that directive, the First 5 State Association, an organization representing the 58 county commissions, was working to develop a model administrative policy for county commissions to consider and adopt. The Government Finance Officers Association (GFOA) was contracted to survey all county commissions relative to financial procedures and policies. The survey indicated there was no clear, consistent definition of administrative expense. Staff recommended the Commission wait to adopt a local policy until the GFOA completed its work. The Commission concurred.

As a result, the Commission is waiting to address this policy until the GFOA has submitted its recommendations to the State First 5 Association. At that time, the policy will be reviewed for adoption locally. It is anticipated the policy and definition of what constitutes administrative expenses will be completed no later than August/September 2005, allowing the Commission to review/approve a policy by December 2005.

Findings 7. & 8.

7. The Commission asserts that its carry-over balance will sustain existing programs in the future as Prop 10 tax revenues decline.

8. Until 2003-04, the Commission did not have a program to attract any non-Prop 10 matching funds in support of its initiatives.

The Commission agrees with findings 7. and 8.

Recommendation 5.

The Commission should actively pursue attracting additional funding from non-Prop 10 funding sources. (Findings 7. & 8.)

Recommendation 6.

To address sustainability of its programs in the future, the Commission should work hard to identify and apply for any available grants, gifts, donations, and other sources of non-Prop 10 funding. The increased exposure to charitable organizations, foundations, and other government entities could have the added benefit of activities being cost-shared with or transferred to other agencies organizations. (Findings 7. & 8.)

Recommendations 5. and 6. are in various stages of implementation, using a two-fold strategy. The Commission recognizes the need both for its own operational sustainability and the sustainability of its funded programs.

During the Commission retreat in September 2004, the Commission prioritized 7 areas of staff concentration for the period of December 2004 to June 2005. One of the areas was long-range financial planning and fund development. Activities under this priority area include: 1) perform all analysis work to develop a long-range financial plan for Commission review and approval, 2) implement the plan by managing finances in accordance with the provisions of the long-range financial plan, 3) identify and evaluate new funding opportunities, and present recommendations to the Commission, 4) conduct work needed to pursue funding opportunities that are authorized by the Commission. These activities are being implemented.

The ten-year plan, first developed in 2001, is being updated and reassessed for accuracy. The Commission has always realized that Prop 10 funding will decrease, and as a result, chose a financial plan that will provide funding until 2019 (20 years attached). The funding decisions made by the Commission always have been guided by the plan.

Initially, the Commission funded start-up programs that required added infrastructure support. After start-up, these programs no longer required the same level of funding. With each funding cycle, Prop 10 programs have been asked to blend other funding with Prop 10 funding in order to work toward sustainability. All Prop 10 program budgets were reduced over time, but, in general, services have remained at the same level. Unchanged service levels can be attributed to the fact that programs are operational and not in the start-up phase which is more expensive.

During 2003-04, the Commission participated in and received awards/grants for the following Commission programs:

1. Children’s Health Initiative – Funding from the County of San Luis Obispo, The California Endowment, and The California HealthCare Foundation, Blue Cross Foundation (approximately \$228,000 for start-up operations and subsidies) and County of San Luis Obispo (\$200,000 annually, matching funds for subsidies).
2. School Readiness Initiative – Funding from the San Luis Obispo County Community Foundation. (\$50,000).

Examples of funding used by Prop 10 funded programs that currently works to match/leverage Prop 10 funding are:

1. Medi-Cal Assistance Administration (MAA) and Targeted Case Management (TCM) federal funds
2. Master Settlement Agreement (MSA) funds
3. Federal and State funding such as Even Start, Head Start, State Preschool
4. County of San Luis Obispo – Children’s Health Initiative matching funds
5. The California Endowment – Perinatal Substance Abuse Initiative
6. San Luis Obispo County Community Foundation – Raising a Reader funds
7. First 5 California matching funds

As a first priority, the Commission continues to assist funded programs to identify alternate funding sources to complement Prop 10 funding. In 2003-04 the Commission, in partnership with the Department of Social Services, contracted with Benton and Associates to identify programs that might be eligible for MAA, TCM and Title IVE funding in the county. Also, the Commission continues to work with the County to maximize these sources of funding.

The Commission has utilized and will continue to take advantage of First 5 California matching funds such as the Child Care Retention funds, Schools Readiness funds and Children’s Health Initiative funds, when such available matching funds are consistent with the goals of the local Commission.

A more challenging source of alternative funding for the Commission is financial support to sustain Commission operations. Since the Commission’s “major business” is to ***fund programs not run them***, it is difficult to find another funding source willing to invest in Commission operations. In general, funders prefer to fund programs, not administrative expenses associated with First 5 Commissions. This preference is the major reason the Commission is ***focusing first on sustainability of its funded programs***.

First 5 San Luis Obispo County 20-year Financial Plan – Adopted 01/2001

13 % Set-Aside Over 4 Periods			CURRENT YEAR																																				
			2001.02 Year 3	2002.2003 Year 4	2003.04 Year 5	2004.05 Year 6	2005.06 Year 7	2006.07 Year 8	2007.08 Year 9	2008.09 Year 10	2008.10 Year 11	2008.11 Year 12	2008.12 Year 13	2008.13 Year 14	2008.14 Year 15	2008.15 Year 16	2008.16 Year 17	2008.17 Year 18	2008.18 Year 19	2008.19 Year 20	2008.20 Year 21																		
Fund Balance Beg of period	\$	6,090,424	\$	4,338,439	\$	4,462,572	\$	4,550,311	\$	4,603,490	\$	4,623,728	\$	4,612,439	\$	4,570,848	\$	4,500,000	\$	4,310,549	\$	4,106,091	\$	3,885,839	\$	3,648,972	\$	3,394,629	\$	3,121,913	\$	2,829,882	\$	2,517,554	\$	2,183,902	\$	1,827,852	
Prop 10 Revenues		2,139,674		2,000,595		1,870,557		1,748,970		1,635,287		1,528,994		1,429,609		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684		1,336,684	
Interest Revenue		243,617		173,538		178,503		182,012		184,140		184,949		184,498		182,834		180,000		172,422		164,244		155,434		145,959		135,785		124,877		113,195		100,702		87,366		73,114	
Total Revenue	\$	2,383,291	\$	2,174,133	\$	2,049,059	\$	1,930,983	\$	1,819,427	\$	1,713,943	\$	1,614,107	\$	1,519,518	\$	1,516,684	\$	1,509,106	\$	1,500,928	\$	1,492,118	\$	1,482,643	\$	1,472,470	\$	1,461,561	\$	1,449,880	\$	1,437,387	\$	1,424,040	\$	1,409,799	
Committed Expenses		(4,135,276)		-																																			
Core Program Expense				(900,000)																																			
Other Program Expense				(900,000)																																			
Core Program Expense 85%						(1,449,310)		(1,372,875)		(1,300,472)		(1,231,886)		(1,166,918)		(1,105,377)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)		(1,197,619)	
Other Program Expense 15%						(255,761)		(242,272)		(229,495)		(217,392)		(205,927)		(195,066)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)		(211,345)	
Adm/Eval/Ops				(250,000)		(256,250)		(262,856)		(269,223)		(275,953)		(282,852)		(289,923)		(297,171)		(304,601)		(312,216)		(320,021)		(328,022)		(336,222)		(344,628)		(353,243)		(362,075)		(371,126)		(380,405)	
Total Expenses		(4,135,276)		(2,050,000)		(1,961,320)		(1,877,804)		(1,799,189)		(1,725,231)		(1,655,697)		(1,590,367)		(1,706,135)		(1,713,565)		(1,721,180)		(1,728,985)		(1,736,986)		(1,745,186)		(1,753,592)		(1,762,207)		(1,771,039)		(1,780,090)		(1,789,369)	
Net Income (Loss)	\$	(1,751,985)	\$	124,133	\$	87,739	\$	53,179	\$	20,238	\$	(11,289)	\$	(41,591)	\$	(70,848)	\$	(189,451)	\$	(204,458)	\$	(220,252)	\$	(236,867)	\$	(254,342)	\$	(272,717)	\$	(292,031)	\$	(312,328)	\$	(333,652)	\$	(356,050)	\$	(379,570)	
Fund Balance End of period	\$	4,338,439	\$	4,462,572	\$	4,550,311	\$	4,603,490	\$	4,623,728	\$	4,612,439	\$	4,570,848	\$	4,500,000	\$	4,310,549	\$	4,106,091	\$	3,885,839	\$	3,648,972	\$	3,394,629	\$	3,121,913	\$	2,829,882	\$	2,517,554	\$	2,183,902	\$	1,827,852	\$	1,448,282	
Percent of Total Revenue Set Aside			\$	0.05	\$	0.04	\$	0.03																															
Prop 10 Revenues				\$	1,870,557	\$	1,748,970	\$	1,635,287	\$	1,528,994	\$	1,429,609	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684	\$	1,336,684
Total Program Expenditures					(1,705,070)		(1,615,147)		(1,529,967)		(1,449,278)		(1,372,845)		(1,300,443)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)		(1,408,964)
					\$	165,486	\$	133,823	\$	105,321	\$	79,715	\$	56,764	\$	36,241	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	\$	(72,280)	
Assumptions:																																							
Decline in Revenue		0.065	Stabilized in years 11-20																																				
Decrease in Program Expense		-0.052736664	Stabilized in years 11-20																																				
Interest rate earned		0.04																																					
Increase in Admin expenses		0.025																																					

TO: Honorable Michael Duffy, Presiding Judge
California Superior Court, San Luis Obispo

COPY: Myron Gilbert, Foreman, San Luis Obispo County Grand Jury

DATE: June 28, 2005

SUBJECT: Grand Jury Report on Parks Division of General Services

This memo represents Board of Supervisors and County Administrative Office's formal response to your report titled "Out on a Dead Limb." Attached you will also find the Parks Division response to the Grand Jury findings.

Grand Jury Recommendation:

"Curtail new parks and facility expansion in the county until the manpower and operating budget are in line with the workload."

Board and County Administrative Office Response: This recommendation has already been implemented. New or expanded facilities are not being recommended unless a source of operating funding is identified. Additionally we note that the 2005-06 Proposed Budget includes an increased amount of General Fund subsidy to Parks to assist with general maintenance costs.

Yours sincerely,

Shirley Bianchi
Chair, Board of Supervisors

David Edge
County Administrative Officer

Attachment

Parks response to Grand Jury report

Findings

1. Expansion of parks acreage and additional facilities, with limited additional permanent staff, has resulted in a workload increase of 30% during the last five years.
The Parks Division concurs with this finding.
2. Due to budget restrictions, the Parks Division has chosen to reduce seasonal help during the peak summer period.
The Parks Division concurs with this finding.
3. The Parks Division doesn't make the public full aware that they welcome private financial support and volunteers in a variety of activities throughout the parks system.
The Parks Division concurs with this finding.
4. The Mariposa, the Parks Division informative newsletter, has limited distribution.
The Parks Division concurs with this finding.
5. As a result of limited additional staff, reductions in seasonal labor and a cutback of supplies, low profile maintenance projects, such as repair of trails and shoreline accesses, fencing, landscape rehabilitation, and skate park facilities, will be reduced or eliminated.
The Parks Division concurs with this finding.
6. Funding for tree pruning is only provided under emergency conditions.
The Parks Division concurs with this finding.
7. Over time, deferred maintenance weakens the health of mature trees and increases the risk to public safety due to dead and dying standing trees.
The Parks Division concurs with this finding.
8. Turf fertilizing and landscape rehabilitation have been reduced. The result is less turf vigor, poorer appearance and greater influx of broadleaf weeds.
The Parks Division concurs with this finding.
9. Purchases of replacement maintenance equipment have been deferred, increasing equipment downtime.
The Parks Division concurs with this finding.
10. Replacement of deteriorating picnic and campsite furniture has been deferred.
The Parks Division concurs with this finding.
11. There is a greater potential for reduced public safety throughout the parks system.
The Parks Division concurs with this finding.

Recommendations

1. Curtail new parks and facility expansion in the county until the manpower and operating budget are in line with the workload.
2. *The Parks Division was not asked to respond to this Recommendation.*
3. Create a greater public awareness of the programs that encourage individual and group volunteers to do routine maintenance: repair trails, shoreline accesses, and fencing; paint; removal of trash, dead vegetation, and weeds.
4. *The Parks Division has long agreed that public awareness of all of our publicly funded programs is vital. Within the past six months we have filled a previously vacant administrative staff position whose duties include promotion and management of our volunteer program. While Parks is currently benefiting from approximately 50,000 hours per year, we are confident that number can be significantly increased through the efforts of this staff position. Implementation will be phased in over the several months (or longer) based on financial resources to support the program through media events, volunteer recognition activities and group solicitations. It should be noted that the current 50,000-hour total is the equivalent of nearly 28 full-time employees. While a centralized volunteer program can be expanded with an existing administrative position, any significant increase in volunteers will have a direct impact on the field staff that supervise, organize and evaluate volunteer work. Our goal is to have in place a comprehensive volunteer recruitment and recognition program no later than April, 2006 to coincide with National Volunteer Month. However, this work is also staff dependent.*
5. Recruit more volunteers and docents to assume interpretive presentation roles in regional parks.
6. *The Parks Division concurs with the value of using interpretive programs as a management tool as well as extending staff resources with volunteers. As noted above, additional effort is anticipated in the coming months to improve our volunteer program. But, as also noted above, additional volunteer management comes at a cost of staff participation.*
7. Encourage greater involvement from the private sector in providing lasting endowments in the form of funds, land and other resources.
8. *This is another resource issue which has been challenging to address in recent years. As an example, trail and open space donations have been refused due to the lack of financial resources to manage them if accepted. Perhaps the County=s largest donation to date, the 80-acre Duveneck property, was accepted 18 months ago and has been land banked until such time as resources are available to manage it. However, staff concurs with the value of the recommendation and anticipates addressing this area through enhancements to the County Parks website. Implementation is expected by the end of 2005 providing staff resources are available to manage the project. The Parks Commission has also offered to promote the Parks programs needs to service clubs and private organizations.*

9. Provide copies of The Mariposa to Chambers of Commerce, county information desks, retail stores, schools and high traffic organizations for public distribution.
10. *Implementation of this recommendation requires additional analysis. The primary reason for curtailing distribution of hard copies of The Mariposa was cost containment. While staff still recognizes the value of producing and distributing hard copies in certain situations, electronic distribution is far more cost effective and, ultimately, is probably more effective as a communication tool. Staff is currently assessing distribution options and will implement and evaluate alternate methods in the coming months.*
11. Remove all unsafe deteriorating picnic and campsite furniture, thus reducing the threat to public safety.
12. *While replacement of deteriorating picnic and camping fixtures has been deferred due to financial constraints, staff makes the highest priority of eliminating safety hazards as they are identified and has a well documented safety program to ensure such compliance. The result has been the removal of some equipment without replacement but there is no significant level of unsafe equipment available to the public. Such items which cannot be repaired are removed from service as soon as they are identified.*
13. Reassess the deferral of all maintenance projects that may endanger public safety.
14. *As noted above, Parks staff makes the highest priority of identifying and correcting safety hazards. While a variety of maintenance projects have been deferred due to funding constraints, we are unaware of any such deferrals that have directly endangered public safety. What has resulted in an aesthetic decline in many park facilities, the loss of public access to some facilities and services, and a general decline in the health and vigor of many facilities which will be costly to overcome, however, safety has always been a primary concern. While reduced safety may be the end result of some deferred maintenance (i.e., deferred pruning of trees), such safety issues are generally not acute but rather will result from a long term continuation of such deferrals. It is our hope that corrective actions will occur prior to such deferrals endangering public safety.*

To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

Date: August 2, 2005

Subject: Responses to 2004-2005 Grand Jury Report dealing with Jails and Holding Cells

RECOMMENDATION

The Board of Supervisors adopt the following responses as the Board of Supervisors' responses to the 2004-2005 Grand Jury Report on jails and holding cells and forward the responses to the Presiding Judge.

DISCUSSION:

The Grand Jury issued two interim reports and one final report. In the May interim report, the Grand Jury included one investigational report related to the alleged use of force by Sheriff Department employees and one investigational report involving the County jail and holding cells. The Grand Jury required that the Sheriff and the Board of Supervisors respond to specific findings and recommendations contained in their reports.

The Sheriff has responded to the reports and forwarded his responses and the Presiding Judge within the required 60-day time frame for department responses. The Sheriff's responses to the reports are attached to this Board letter. The Board of Supervisors is required to file a response with 90 days of the issuance of the report. The following identifies the findings, recommendations and responses to the 2004-2005 Grand Jury Report – Jails and Holding Cells.

The Board of Supervisors was asked to respond to Findings Nos. 2,3, and 6.

Finding 2

The 1999/2000 county budget allocated \$694,000 for design work for the addition to the women's section of the county jail. This allocation did not provide any funds for construction.

Response

We agree with the finding. The allocation made in Fiscal Year 1999-2000 County Budget was specifically allocated to examine options and potential designs for increasing the capacity of the women's section of the county jail. This is a necessary first step to future construction. Staff is currently reviewing funding options.

Finding 3

The number of inmates using the County Court holding facility exceeds rated capacity.

Response

We agree with this finding. The growth in the numbers of people who are arrested and brought to trial for criminal matters has resulted in exceeding the capacity ratings in many trial court facilities throughout the state. The situation is not unique to San Luis Obispo County.

Finding 6

The court does not want to improve the holding cells until the new courthouse is constructed. However, the existing courtrooms are being used until phases two and three of the new courthouse is completed in the future. (It will be at least five years before a new courthouse is constructed, predicated on the allocation of funds in a proposed bond issue).

Response

We partially agree with this finding. The holding cells will be used until a new courthouse is constructed. A capital project to increase capacity of the holding cells was approved in Fiscal Year 1998/99. We cannot speak to what the court wants or does not want as this portion of the finding is more appropriately directed to the court. However, we can state that the court has previously made it known that other projects, including funding a new courthouse is a much higher court priority than expanding the existing holding cells.

The Board of Supervisors was asked to respond to Recommendations Nos. 2,3,4,5,6,7,8 and 9.

Recommendation 2

The County should approve and fund construction for increasing the women's section facilities.

Response

This recommendation requires further study. The County Administrative Office, the Sheriff Department and the Department of General Services is currently evaluating options and costs associated with increasing the capacity of the women's section of the county jail. Design work is currently underway. The latest cost estimate for construction of an expanded women's section of the jail is \$22 million. Operational costs have not yet been determined. Jail facilities are among the most costly facilities to construct and operate. Staff will evaluate financing options, including the potential to obtain funds through state bond proposals as well as the use of local funds. The evaluation of potential financing strategies will be completed by the end of the current fiscal year 2005-2006. No date for commencement of construction can be established at this time since this is dependent upon a variety of factors including cost and financing. Several counties have proposed passage of a state bond to fund jail facilities and this would clearly be a preferred financing option, although it may take two to three years for this option to be available to the County.

Recommendation 3

Video conferencing equipment should be installed at the county courthouse and be connected to the county jail and ASH.

Response

This recommendation requires further study. This option must be coordinated with the Sheriff, District Attorney, Public Defenders and the Court. These entities must first agree on the technology and protocols for implementing this option. It is estimated that the coordination of technology and protocols may take six months. The recommendation will be implemented if it is shown to provide operational and cost efficiencies and reduces overcrowding in the holding cells.

Recommendation 4

The Atascadero State Hospital (ASH) patients should not be moved to the courthouse. There should be courtrooms at the hospital.

Response

This recommendation requires further analysis. The part of the recommendation that relates to having courtrooms at the Atascadero State Mental Hospital is not within the County's scope of authority to implement. The County will be examining options related to the use of holding cells, including expanding holding cell capacity. The impact of not moving ASH patients to the courthouse has several operational implications that require additional investigation. Currently, District Attorney and Public Defender personnel handle multiple responsibilities related to court cases. The potential options for handling ASH cases and their impact on the allocation of personnel, cost/benefit and safety and security issues must first be evaluated before a decision to implement the recommendation can be made. A decision on this recommendation is expected to occur during the current fiscal year 2005-2006.

Recommendation 5

A satellite facility with two courtrooms should be located at the county jail, or on county land adjacent to the jail.

Response

This option will not be implemented, as it is not reasonable and is not a County responsibility. A courtroom at the jail would result in substantial additional cost for construction and staffing. There are better and more cost effective options to address holding cell capacity. In addition, the responsibility for construction of new courtrooms is now the responsibility of the State of California.

Recommendation 6

When current county occupants move out of the present courthouse to the new building, consideration should be given to an expansion of the court holding area.

Response

This recommendation is being implemented. County staff is working on a project to expand holding cell capacity expanding holding cells into the space that is currently occupied the Sheriff's Civil Division. The reallocation of vacated space within the existing courthouse makes this project possible. It is anticipated that design and cost estimates for this project will be completed before November 2005 and that construction will begin in the current fiscal year 2005-2006.

Recommendation 7

There are near term solutions that can be initiated, such as utilizing the space available at ASH for courtrooms and the construction of satellite courtrooms located adjacent to the County Jail. ASH is currently utilizing video conferencing with other counties in the State.

Response

The part of the recommendation that relates to using space at ASH for courtrooms is not within the County's authority to implement, however we would support implementation of the recommendation if it is shown to lead to operational efficiencies and is cost effective. The part of this recommendation that relates to construction of satellite courtrooms adjacent to the County jail is unreasonable and will not be implemented (see response to Recommendation 5).

Recommendation 8

Video conferencing should be implemented between the county courthouse, ASH, and the county jail.

Response

This recommendation requires further evaluation. This option must be coordinated with the Sheriff, District Attorney, Public Defenders, ASH and the Court. These entities must first agree on the technology and protocols for implementing this option. It is estimated that the coordination of technology and protocols may take six months. The recommendation will be implemented if it is shown to provide operational and cost efficiencies and reduces overcrowding in the holding cells.

Recommendation 9

ASH should take the lead in coordinating with the Sheriff's Department, the court, the District Attorney's Office, and the County Administrator's Office the utilization of courtrooms available at ASH.

Response

We agree that it is necessary to coordinate the evaluation of this recommendation with the involved entities and the Court and District Attorney are in discussions with the Atascadero State Hospital. However, the County cannot require ASH to take the lead in doing so and that portion of the recommendation is more appropriately addressed by the administration at the Atascadero State Mental Hospital.

Other Agency Involvement

The Sheriff's Department and Atascadero State Mental Hospital were contacted as apart of the development of the responses to the Grand Jury Report.

Financial Considerations

Building a new women's section of the jail and expanding holding cells is estimated to cost between \$24 and \$28 million dollars. This estimate does not include constructing 2 new courtrooms at the jail or the operational cost increases for new staff to populate the new facilities.

Results

Approval of the Grand jury response will assure the County's compliance with the California Penal Code.

July 7, 2005

The Honorable Michael T. Duffy
Presiding Judge of the Superior Court
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, California 93408

RESPONSE TO 2004-2005 GRAND JURY REPORT ON JAILS AND HOLDING CELLS

Dear Judge Duffy:

The above entitled Grand Jury report was received by me on May 5, 2005. The report focused on the seven city police jail holding cells, the San Luis Obispo County Jail, court holding cells and Atascadero State Hospital. This response addresses findings and recommendations related to the San Luis Obispo County Jail and court holding cells.

Members of the Grand Jury toured and inspected the facilities and interviewed key staff members as requested. Policies and procedures were also provided as requested.

Responses to specific findings and recommendations as required are as follows:

Findings

3. *The number of inmates using the County Court holding facility exceeds rated capacity.*

The department agrees with this finding.

PAGE 2 - RESPONSE TO GRAND JURY REPORT - JAILS AND HOLDING CELLS

4. *The size of the holding cell is insufficient for current use.*

The department agrees with this finding and would add that not only is the size insufficient, but the number of holding cells in order to properly segregate inmates is also insufficient.

5. *The problem of overcrowding in the County Court holding facility creates high security and safety risks.*

The department agrees with this finding.

9. The Sheriff=s Department transports over 14,000 inmates a year from the jail to the county courthouse.

The department agrees with this finding.

10. *The courts are willing to share the cost of video conferencing with the Sheriff=s Department.*

The department agrees with this finding.

Recommendations

11. *The Atascadero City Police Department should repair the leak in one of its cells in a timely manner.*

The recommendation will not be implemented by the Sheriff=s Department, but may be implemented by the Atascadero Police Department.

12. *The County should approve and fund construction for increasing the women=s section facilities.*

The recommendation requires further analysis to identify a funding source. The Sheriff=s Department is already working with the County Administrative Office and General Services on this issue and plans to meet within the next three months to update cost estimates and develop further strategy.

13. *Video conferencing equipment should be installed at the county courthouse and be connected to the county jail and ASH.*

PAGE 3 - RESPONSE TO GRAND JURY REPORT - JAILS AND HOLDING CELLS

The recommendation has not yet been implemented, but will be implemented in the future. Implementation must be coordinated to meet the needs of each entity and match technology. The department has met with the Courts and the District Attorney=s Office and intends to implement within the next six months, dependent upon agreement between the entities.

14. *The Atascadero State Hospital (ASH) patients should not be moved to the courthouse. There should be courtrooms at the hospital.*

The recommendation requires further analysis. The Sheriff=s Department agrees with the recommendation, however implementation is not within our control.

15. *A satellite facility with two courtrooms should be located at the county jail, or on county land adjacent to the jail.*

The recommendation will not be implemented because it is not reasonable. The courts have indicated that judges do not intend to travel to the county jail in order to conduct court business, so a courtroom at the jail would have no purpose. Video conferencing can be accomplished without a courtroom.

16. When the current county occupants move out of the present courthouse to the new building, consideration should be given to an expansion of the court holding area.

The recommendation has been implemented. General Services has met with Sheriff=s Department staff and designed an expansion of court holding. The plan calls for increasing the number of court holding cells from four to eight and rated capacity from 35 to 75. Completion of this project is expected within the next six months.

8. *Video conferencing should be implemented between the county courthouse, ASH, and the county jail.*

The recommendation has not yet been implemented, but will be implemented in the future. Implementation must be coordinated to meet the needs of each entity and match technology. The department has met with the Courts and the District Attorney=s Office and intends to implement within the next six months, dependent upon agreement between the entities.

PAGE 4 - RESPONSE TO GRAND JURY REPORT - JAILS AND HOLDING CELLS

9. *ASH should take the lead in coordinating with the Sheriff=s Department, the court, the District Attorney=s Office, and the County Administrator=s Office the utilization of courtrooms available at ASH.*

The recommendation requires further analysis. The Sheriff=s Department agrees with the recommendation, however implementation is not within our control. In order to be implemented, agreement and logistics must be worked out between the Courts and ASH.

Sincerely,

Patrick Hedges
Sheriff-Coroner

PH/sb

August 22, 2005

Dear Mayor Mecham:

In June of 2005, the Grand Jury of the County of San Luis Obispo conducted a review of the Paso Robles Housing Authority. I am required to respond to one finding that the Grand Jury Committee is recommending. The finding: repair tools and expendable supplies were (are) in a large unsecured building that is visible and accessible to anyone. The recommendation is that: All repair tools and expendable supplies should be stored in a secured building.

Response: The respondent disagrees wholly or partially with the finding, in which case the response shall specify this portion of the finding that is disputed and shall include an explanation of the reasons therefore.

The Grand Jury report is referring to two maintenance buildings. The building with grounds equipment such as shovel, rakes, mowers, weed eaters, etc. had a roll up door and the building with the maintenance equipment such as hand tools, saws, drills etc has a man door. These doors are normally left open during working hours but they are secured from 4:30 pm until 8:00 am each and 24 hours on weekends or holidays.

The rational for leaving the doors open is as follows:

1. I started working here in 1978 and in that time period, there have not been any thefts or loss of equipment or expendable supplies.
2. The residents of the Housing Authority get prompt service from the grounds and maintenance staff, so there is a level of respect that would deter theft.
3. The value of the tools or expendable supplies is quite minimal.
4. If any unauthorized person enters either building, there is a good probability that they will be seen and identified.

My response is that the recommendation will not be implemented because it is not warranted. However, if there are any thefts or problems in the future, I will change my position and require that the building be secured.

Please contact me if you have any further questions or comments.

Sincerely yours,

Gene Bergman
Executive Director

cc: Grand Jury Committee

Response to the Board of Supervisors

To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

Date: September 20, 2005

Subject: Responses to 2004-2005 Grand Jury Report dealing with Citizen Complaints
Against Law Enforcement Agencies

RECOMMENDATION

The Board of Supervisors adopt the following responses as the Board of Supervisors' responses to the 2004-2005 Grand Jury Report dealing with citizen complaints against law enforcement agencies.

DISCUSSION:

The Grand Jury issued two interim reports and one final report. A final; report issued at the end of June 2005 included an investigational report related to the processes involved with citizen complaints against law enforcement agencies. The Grand Jury required that the Sheriff and the Board of Supervisors respond to specific findings and recommendations contained in their reports.

The Sheriff has responded to the reports and forwarded his responses and the Presiding Judge within the required 60-day time frame for department responses. The Sheriff's responses to the reports are attached to this Board letter. The Board of Supervisors is required to file a response with 90 days of the issuance of the report. The following identifies the findings, recommendations and responses to the 2004-2005 Grand Jury Report – on citizen complaints against law enforcement agencies.

The Board of Supervisors was asked to respond to Findings Nos. 1, 2,3, 4, 6, 7, 8,9 and 10.

The Grand Jury has applied the following findings to all eight of the law enforcement agencies that are the subject of the Grand Jury investigation. The following responses by the Board of Supervisors speak only to the findings as they relate to the County Sheriff Department. The Board of Supervisors does not have direct budgetary authority over other law enforcement organizations in the county and is not required to respond on their behalf.

Finding 1

All seven police agencies and the Sheriff's Department provide complaint forms to individuals who request them.

Response

We agree with this finding.

Response to the Board of Supervisors

Finding 2

The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.

Response

We disagree with this finding . While it is the policy of the Sheriff Department staff to explain complaint procedures and ask to discuss concerns with citizens, Sheriff management have stated that Sheriff Department personnel do not strongly urge unwilling citizens to do so.

Finding 3:

If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later time.

Response

We partially disagree with the finding. (See attached letter from Sheriff-Coroner dated July 12, 2005). Discussions with Sheriff Department staff indicate that citizens who appear reluctant to discuss the complaint or incident are informed that they may take the complaint form with them and return it by mail. People who choose to be interviewed do so voluntarily.

Finding 4

The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish.

Response

We agree with this finding.

Finding 6

The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.

Response

We disagree with the finding (see attached letter from Sheriff-Coroner dated July 12, 2005). Discussions with Sheriff Department staff indicate that the Sheriff Department does have a system to monitor all complaints that are the subject of a formal investigation.

Finding 7

Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standard and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.

Response

We disagree with the finding (see attached letter from Sheriff-Coroner dated July 12, 2005). Sheriff staff has stated that a Sergeant or higher classification handles all complaints that become the subject of formal investigations. The Sheriff Department requires all personnel who achieve the rank of Sergeant to undertake the appropriate training to handle internal investigations within one year of attaining the Sergeant position.

Response to the Board of Supervisors

Finding 8

The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.

Response

We disagree with the finding (see attached letter from Sheriff-Coroner dated July 12, 2005). Discussions with Sheriff staff indicate that the Sheriff Department utilizes the services of a CALEA Assessor to review department policies and procedures, including those that deal with citizen complaints (see response to Recommendation 11).

Finding 9

Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/ or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.

Response

We agree with this finding.

The Board of Supervisors was asked to respond to Recommendations Nos. 1,2,3,4,5,6,7,8, 10, 11, and 12

Recommendation 1

The citizen complaint form should be made available in the lobby of each law enforcement agency facility." (Findings 1, 2 and 3)

Response

The Sheriff has not yet fully implemented this recommendation but will do so within 6 months, by the end of January 2006. In addition, the Sheriff intends to make complaint forms available for download from the Sheriff Department web site.

Recommendation 2

A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes." (Findings 1, 2 and 3)

Response

This recommendation requires further study to determine whether the provision of visible and easily accessible complaint forms will serve the same purpose. The evaluation of this recommendation and a determination as to whether the recommendation will, or will not be implemented will be completed during the current fiscal year.

Recommendation 3

Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3).

Response to the Board of Supervisors

Response

The Sheriff Department has already implemented this recommendation (see attached letter from Sheriff-Coroner dated July 12, 2005).

Recommendation 4

Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3)

Response

The recommendation has already been implemented (see attached letter from Sheriff-Coroner dated July 12, 2005).

Recommendation 5

The citizen complaint form should be made available in English and Spanish." (Finding 4)

Response

The recommendation has not yet been implemented but will be implemented within the next six months, by the end of January 2006 (see attached letter from Sheriff-Coroner dated July 12, 2005).

Recommendation 6

All complaints, whether written or verbal, should be entered and maintained in a log." (Findings 6 and 7)

Response

The recommendation has been partially implemented. According to Sheriff Department procedures, all complaints that result in an investigation are maintained in a central log. The Sheriff Department will evaluate whether keeping a log of all complaints, even those that are verbal and anonymous, is reasonable and would result in meaningful information. The evaluation of this recommendation and a determination as to whether the recommendation will, or will not be implemented will be completed during the current fiscal year.

Recommendation 7

Complaints that are resolved at the agency station should be kept in a separate log which may include:

- an identifier,
- a date,
- the complainant's name,
- the allegation,
- a summary of the complaint,
- the name of the officer involved, and
- the name of the officer who resolved the complaint.

(Findings 6 and 7)

Response

The recommendation will not be implemented because it is not warranted or reasonable (see attached letter from Sheriff-Coroner dated July 12, 2005). Sheriff Department staff has stated that Sheriff Department supervisors at patrol stations that learn of possible or suspected misconduct forward all related documentation to the Sheriff for appropriate action. Maintaining

Response to the Board of Supervisors

separate logs does not appear to provide any advantage and may have several disadvantages with respect to information gathering and compliance with legal motions.

Recommendation 8

An individual file should be kept for each complaint. It should contain a Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition.” (Finding 7)

Response

The Sheriff Department staff has stated that the recommendation has been implemented (see attached letter from Sheriff-Coroner dated July 12, 2005). The investigative file contains all of the information identified in the Grand Jury’s recommendation.

Recommendation 9

A monitoring system should be used to track complaints against specific officers.” (Finding 7)

Response

The Sheriff Department staff has identified that the recommendation has been implemented as a database is maintained so that all complaints received against any employee can be identified (see attached letter from Sheriff-Coroner dated July 12, 2005).

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Recommendation 10

Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or “The 24 Hours Internal Affairs (BASIC) Course.” (Finding 8)

Response

This recommendation has been implemented (see attached letter from Sheriff-Coroner dated July 12, 2005).

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Recommendation 11

All seven city police agencies and the Sheriff’s Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards.” (Finding 9)

Response

The Sheriff Department utilizes the services of a CALEA assessor to evaluate the department policies and procedures. The Sheriff has stated that the department’s practices are equivalent to CALEA accredited practices and as such, the recommendation has been implemented (see attached letter from Sheriff-Coroner dated July 12, 2005).

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Recommendation 12

The eight law enforcement agencies should consider establishing the formal process for an independent review of their internal affairs-citizen complaints with an independent legal counsel who specializes in law enforcement personnel and interdisciplinary actions, prior to final disposition.

Response to the Board of Supervisors

Response

The recommendation will not be implemented because it is not warranted or reasonable. It would be very costly to have an independent legal counsel to review each internal affairs investigation and each citizen complaint. The information contained in the report does not substantiate the need for such an expenditure of public funds. While there may be individual instances where the use of an independent evaluator is warranted, hiring a separate counsel for all internal affairs investigations and citizen complaints is not warranted.

Other Agency Involvement

The Sheriff's Department was contacted as apart of the development of the responses to the Grand Jury Report.

Financial Considerations

There are no specific financial considerations associated with the response to this Grand Jury report.

Results

Approval of the Grand jury response will assure the County's compliance with the California Penal Code.

Response to the Board of Supervisors

July 12, 2005

The Honorable Michael T. Duffy
Presiding Judge of the Superior Court
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, California 93408

RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

Dear Judge Duffy:

The above entitled Grand Jury report was received by me on June 9, 2005. The report focused on the policies and practices of handling citizen=s complaints and conducting internal affairs investigations within the seven city police departments and the Sheriff=s Department.

Members of the Grand Jury reviewed the written policies, procedures and forms of each target law enforcement agency, and also reviewed California Highway Patrol policies and forms. Members also interviewed key staff members as requested and reviewed Commission on Accreditation for Law Enforcement Agencies (CALEA) recommendations and models.

Responses to specific findings and recommendations as required are as follows:

Findings

1. *All seven police agencies and the Sheriff=s Department provide complaint forms to individuals who request them.*

**PAGE 2 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN
COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL
AFFAIRS INVESTIGATIONS**

Response to the Board of Supervisors

The department agrees with this finding.

2. *The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.*

The department disagrees with this finding. It is the practice of the Sheriff=s Department to explain procedures or discuss an incident with a citizen who desires to file a complaint, if the citizen is so willing, however does not strongly urge or require a meeting.

3. *If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later time.*

The department disagrees partially with this finding. Supervisors who meet with citizens who inquire regarding the complaint process know that department policy allows a complaint to be received by telephone or mail. Citizens who appear reluctant to discuss the incident or any portion of the incident are told they may take the form with them and return it by mail.

4. The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish.

The department agrees with this finding.

6. *Most agencies only log written complaints.*

The department disagrees partially with this finding. While not familiar with the practices of each city police department, the Sheriff=s Department logs all complaints which are assigned for investigation. Some complaints are received by telephone call, or verbally presented.

7. *The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.*

The department disagrees with this finding.

Response to the Board of Supervisors

8. *Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standard and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.*

The department disagrees with this finding.

9. *The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.*

The department disagrees with this finding.

10. *Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.*

The department agrees with this finding.

Recommendations

11. *The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1, 2 and 3)*

The recommendation has not yet been fully implemented, but will be implemented within the next six months. The department also intends to make complaint forms available for download on a department web site.

12. *A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1, 2 and 3)*

PAGE 4 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

The recommendation requires further analysis to determine if implementation would be helpful to those intending to make a complaint but reluctant to do so. Making complaint forms more visible and easily accessed by the public may serve the same purpose.

13. *Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3)*

Response to the Board of Supervisors

The recommendation has been implemented. We have determined that all supervisors are aware not to ask complainants unnecessary or intimidating questions beyond relevant facts.

14. *Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3)*

The recommendation has been implemented. This is the department's current practice, except in cases of anonymous complaints.

15. *The citizen complaint form should be made available in English and Spanish. (Finding 4)*

The recommendation has not yet been implemented, but will be implemented within the next six months.

16. *All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 and 7)*

The recommendation has been implemented. All complaints which result in an internal investigation are maintained in a log.

7. *Complaints that are resolved at the agency station should be kept in a separate log which may include:*

\$ *an identifier*

\$ *a date,*

PAGE 5 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

\$ *the complainant's name,*

\$ *the allegation,*

\$ *a summary of the complaint,*

\$ *the name of the officer involved, and*

\$ *the name of the officer who resolved the complaint.*

(Findings 6 and 7)

The recommendation will not be implemented because it is not warranted or reasonable. Supervisors at patrol stations who learn of possible or suspected misconduct forward all related documentation to the Sheriff for appropriate investigation. Maintaining separate logs would hinder the gathering of information and compliance with legal motions.

11. *An individual file should be kept for each complaint. It should contain a*

Response to the Board of Supervisors

Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. (Finding 7)

The recommendation has been implemented. All of the above documentation and evidence is contained in the investigative file.

12. *A monitoring system should be used to track complaints against specific officers. (Finding 7)*

The recommendation has been implemented. A data base is maintained so that all complaints received against any employee can be identified.

13. *Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or AThe 24 Hours Internal Affairs (BASIC) Course@. (Finding 8)*

The recommendation has been implemented. Investigations of citizen complaints are conducted only by the rank of sergeant or above. All in these ranks have received POST Internal Affairs training.

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Response to the Board of Supervisors

14. *All seven city police agencies and the Sheriff=s Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9)*

The recommendation has been implemented. The department=s practices are equivalent to CALEA accredited policies.

15. *The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizens complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10)*

The recommendation will not be implemented because it is not warranted or reasonable. It is cost prohibitive to require an independent review by an attorney who is a specialist in law enforcement labor law for every complaint resulting in an internal investigation. It may be reasonable to consider doing so for cases in which disciplinary action is warranted.

Sincerely,

Patrick Hedges
Sheriff-Coroner

PH/SB/

February 3, 2006

The Honorable Michael L. Duffy
Presiding Judge, Department 1
San Luis Obispo Superior Court
1050 Monterey Street, Room 355
San Luis Obispo, CA 93408

Dear Judge Duffy:

Please accept this response to the Findings and Recommendations presented by the 2004-05 San Luis Obispo County Grand Jury inquiry into the Law Enforcement Internal Affairs Practices within the County. First, let me say that I applaud the Grand Jury on doing a commendable job regarding a very sensitive and complex subject. Second, as Chief of Police for the City of Arroyo Grande, my number one responsibility is to maintain the credibility and integrity of the Arroyo Grande Police Department both within this community and within the criminal justice system. Given this most important responsibility, the Police Department maintains high standards regarding the recruitment, training and conduct of its personnel. This obviously includes a comprehensive and credible personnel (citizens) complaint process. For the most part, I believe that the overall findings of the Grand Jury support our efforts in this regard. The report has also given the Arroyo Grande Police Department the opportunity to further fine-tune our personnel complaint policies and procedures in order to better serve our community. With this in mind, the following is the Arroyo Grande Police Department's response to the Findings and Recommendations of the Grand Jury regarding the Law Enforcement Internal Affairs Process as they relate to the Police Department.

FINDINGS

1. Agree with the Grand Jury Finding

2. Partially Agree with the Grand Jury Finding

The following is both the written policy and practice of the Arroyo Grande Police Department concerning this Finding:

"Should a citizen come to the station and request a citizen complaint form, the practice of the Department is to ask/encourage him/her to meet with an on duty supervisor to discuss their issue. However, if the complainant states that they do not wish to meet with the supervisor and they only

want the complaint form, they WILL be given the form as requested. While it is most desirable for the complainant to meet with a supervisor to discuss his/her issue, there is no legal requirement for him/her to do so."

3. Fundamentally Disagree with the Grand Jury Finding

This is not a formal interview per se. It is a discussion between the complainant and the supervisor over the issue(s) at hand. During and at the end of the discussion, the complainant is advised of the availability to file a formal complaint, even if he/she had made the decision not to do so.

4. Agree with the Grand Jury Finding

The Arroyo Grande Police Department will be developing a Spanish language version of the form.

5. Not applicable to the Arroyo Grande Police Department

6. Partially Agree with the Grand Jury Finding

- a. The Arroyo Grande Police Department logs all complaints received under California Penal Code Section 832.5.
- b. Beginning May 5, 2005, the Police Department maintains a file on all informal complaints it receives which do not fall under Section 832.5.

7. Disagree with the Grand Jury Finding

Since 1992, as part of its Quality Services Program (General Order 0039), the Arroyo Grande Police has had a formal audit system regarding Personnel Complaints. The policy reads in part as follows:

"The Chief of Police shall continually audit personnel complaints and civil claims regarding the Police Department for:

- a) The need to evaluate and/or modify Department policies and/or procedures,
- b) Training issues/deficiencies,
- c) Identification of employee attitudes and/or values in conflict with the Department's Mission, Goals and Values (General Order 0002), and
- d) A history or pattern of misconduct on the part of an employee which may indicate the necessity for a Fitness-For-Duty Evaluation (General Order 0216)."

8. Disagree with the Grand Jury Finding

It is the practice of the Arroyo Grande Police Department that supervisors who conduct Internal Affairs Investigations are trained in courses certified by the California Commission on Peace Officer Standards and Training (POST) concerning conducting internal affairs investigations, as well as appropriate periodic update training.

9. Partially Disagree with the Grand Jury Finding, especially as to relevance

- a. The Arroyo Grande Police Department has chosen not to participate in the CALEA Program. The reason for this is that it is a relatively costly and time intensive program for a small agency, and the reality is that in California, it has little practical significance or value. This is due in part to the numerous laws contained in the Penal Code, Government Code and other applicable California Codes as well as the rules and regulations of the California Commission on Peace Officer Standards and Training (POST), the California Department of Justice, Board of Corrections and other State agencies which regulate our operations. These State agencies conduct regular compliance audits to ensure the police department is complying with these laws, rules and regulations. Additionally, from both a state and national point of view, CALEA Certification is not considered an "industry standard" for municipal police agencies. In California there are only six municipal police agencies and one sheriff's department which currently have CALEA Certification.
- b. The Arroyo Grande Police Department does utilize the CALEA "standards" as one of its references/resources in developing policies and procedures for the Police Department.

10. Disagree with the Grand Jury Finding

The Arroyo Grande Police Department has had an independent legal advisor since 1989 (General Order 0016, Police Legal Advisor). One of the functions of the legal advisor is to review personnel investigations involving 1) allegations of violations of statutory or decisional (case) law, 2) allegations, which if sustained, would be subject to disclosure per Brady vs Maryland (General Order 0224), or 3) allegations, which if sustained, would result in major disciplinary actions as defined in General Order 0204, Personnel Complaints. The purpose of the independent review is to: 1) ensure the adequacy/completeness of the personnel investigation, 2) ensure compliance with procedural due process requirements afforded to the affected employees as dictated by statutory and decisional law and 3) the appropriateness/adequacy of the proposed disposition, including any proposed disciplinary action.

The use of an independent legal advisor by the Arroyo Grande Police Department is based on the premise that due to the complexity of the law (statutory, administrative and decisional) directed at municipal police

departments regarding personnel, training, disciplinary issues, civil liability and the many legislative/regulatory mandates affecting organizational operations, the "average" city attorney, especially contract attorneys, frequently do not possess the expertise necessary to adequately represent the City and its Police Department in this arena. The Arroyo Grande Police Department is fortunate that since 1989, the City Councils, City Managers and City Attorneys have recognized the importance of this issue and have allowed the Police Department not only to have a police legal advisor, but one who is considered one of the most competent and knowledgeable in the profession on both a statewide and national basis.

RECOMMENDATIONS

1. This recommendation will be addressed as follows.
 - a. Complaint forms are currently available from the front desk (lobby) personnel. Additionally, the forms are also currently available from City Administration at City Hall.
 - b. A brochure explaining the Citizen Complaint Process, in English and Spanish, as well as options to filing a complaint with the Police Department, will be made available in the lobby.
2. This recommendation will be addressed as follows.

A sign regarding the availability/location of the brochure discussed in Recommendation #1 above will be placed in the lobby.
3. This is already the practice of the Arroyo Grande Police Department (see discussion under Findings #2 and #3).
4. This is already the practice of the Arroyo Grande Police Department (see discussion under Findings #2 and #3).
5. The development of a Spanish language complaint form and brochure (as mentioned in Recommendation #1) will be implemented as soon as practical.
6. As discussed in Finding #6, all complaints received per Penal Code Section 832.5 are entered onto a log.
7. As discussed in Finding #6, in May 2005, the Arroyo Grande Police Department began to maintain a file on all informal complaints, which are received which do not fall under Penal Code Section 832.5.
8. Since 1989, this is the practice of the Arroyo Grande Police Department. In fact, the form referred to in Appendix A of the Grand Jury Report appears to be that currently used by the Police Department.

9. As discussed under Finding #7 this has been the practice of the Arroyo Grande Police Department since 1992.
10. As discussed under Finding #8, this is the practice of the Arroyo Grande Police Department. Should a supervisor who has not yet received the required training be assigned a "minor investigation" as defined by policy, the supervisor will conduct the investigation under the direction of another member of the command staff who has completed the required training. All "major investigations" as defined by policy must be done by a supervisor who has completed a POST Certified 24-hour Internal Affairs Course. Additionally, Police Department supervisors are required to complete periodic legal update training in internal affairs investigations, administration of discipline and civil liability.
11. The Arroyo Grande Police Department's personnel complaint policy and procedure (General Order 0204) currently and historically exceeds CALEA standards regarding internal affairs procedures (see discussion under Finding #8). Additionally, as discussed under Finding #7, the Arroyo Grande Police Department has had an audit procedure for personnel complaints since 1992 as part of its Quality Services Program (General Order 0039).
12. As discussed in Finding #10, since 1989, the Police Department has utilized independent legal counsel to review personnel complaints/ investigations as appropriate. In May 2005, the Police Department further defined and formalized this policy in both the General Orders on Police Legal Advisor (0016) and Personnel Complaints (0204).
13. Not applicable to the Arroyo Grande Police Department.

Please feel free to contact me should you have any questions or concerns regarding the response contained herein.

Sincerely,

Rick TerBorch
Chief of Police

Cc: City Manager



CITY OF ATASCADERO

POLICE DEPARTMENT



JOHN G. COUCH
Chief of Police

August 11, 2005

The Honorable Michael Duffy
Presiding Judge
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, CA 93408

Dear Judge Duffy,

The following is the response to the Grand Jury review of the policies and practices of the Atascadero Police Department with respect to citizen complaint investigations.

Response to Findings:

1. The respondent agrees with the finding.
2. The respondent agrees with the finding. The intent of the practice is to afford the opportunity to address complaints and identify and resolve problems in a timely manner.
3. The respondent disagrees partially with the finding. Personnel are trained to accommodate the wishes of the complainant with respect to meeting with a supervisor or completing the complaint form at one time. Complainants frequently meet briefly with a supervisor and leave with a complaint form to complete at their convenience.
4. The respondent agrees with the finding.
5. The respondent agrees with the finding. Investigations conducted in the review period of 1999 through 2003 were accounted for in annual reports to the Department of Justice; however they were not maintained on a master log.
6. The respondent agrees with the finding with respect to the time period included in the Grand Jury review. The Atascadero Police Department, according to current policy, generates investigations into complaints regardless of the nature of origin. If the complaint is against an individual and not just a procedural misunderstanding, the complaint is logged.
7. The respondent agrees with the finding with respect to the period reviewed. Complaints are now logged in a way to identify trends or potential problems and are reviewed each time a complaint is entered on the log and each time an employee is given a performance evaluation.
8. The respondent agrees with the finding.
9. N/A
10. The respondent agrees with the finding.

Atascadero Police Response

Response to Recommendations:

1. Bilingual pamphlets explaining the citizen complaint process are now available in the lobby. Complainants are encouraged to discuss their concerns with a supervisor to give Staff the opportunity to resolve complaints in a timely manner. Complaint forms are available at the lobby window.
2. Bilingual signs are now posted in the lobby that indicate people have a right to complain against Police personnel and that they can, but are not required to speak with a supervisor about their complaint.
3. Supervisors, Support Services Technicians and volunteers have been trained to accommodate and be sensitive to the concerns of individuals who desire to lodge a complaint.
4. Bilingual signs, informational brochures, and complaint forms all indicate that, while meeting with a supervisor to discuss their concerns is encouraged, it is not required. That issue is covered in employee training as well.
5. The complaint form has been revised and updated to include versions in English and Spanish.
6. A log has been implemented that lists all complaints, whether verbal or written. All complaints that were reviewed in the Grand Jury investigation are accounted for and maintained on a master log for each year. Each complaint is filed separately and includes a tracking sheet that keeps a running status of the assignment, investigation, and resolution of the investigation.
7. A form has been implemented to document complaints against individuals that are minor in nature and resolved when discussed with a supervisor. The form includes complete information on the complainant, the Police personnel involved, the date and nature of the complaint, the resolution, and the name of the supervisor who resolved the complaint. The complaint is assigned a number when it is entered on the master log. It is then stored in an individual folder in the same manner as other complaints.
8. Files have been established that store the complaints sequentially by year. Each complaint is kept in an individual folder and includes all materials relevant to the investigation of that complaint. It includes initial complaint forms, signed admonitions, reports, logs, recordings, a final report, and copies of acceptance and disposition letters sent to complainants.
9. Since the master log includes the name of Police personnel involved it serves as a monitoring system as it is reviewed each time a complaint is entered. Additionally, all personnel evaluations are routed through the office of the Chief of Police. The complaint file is monitored by the Chief of Police so all complaints involving an individual are reflected in the current evaluation. The master log serves to identify individuals as well as trends that indicate training needs and the need for policy revisions.
10. Complaints of a minor nature that are within the normal scope of supervisory duties and do not involve the formal Internal Affairs process and adherence to Peace Officer Bill of Rights controls can be handled by a supervisor with appropriate supervisory training. Investigations in the past have been conducted by personnel with 24 hour POST Internal Affairs training or under the direct supervision of one who has. Training for individuals who do not have the 24 hour POST training class will be scheduled at the earliest availability of classes.
11. The California Law Enforcement Accreditation (CALEA) internal affairs standards have been reviewed and incorporated into existing policy where appropriate and now include periodic audits to ensure compliance with policy.
12. Review of internal affairs investigations by independent legal counsel specializing in internal affairs complaints and personnel matters is currently done on a case by case basis.
13. The Atascadero Police Department implemented a comprehensive log that maintains information on all personnel complaints from receipt to resolution. The log includes information that lists police personnel involved,

Atascadero Police Response

complainants, date of incident, assignment of the investigation, dates of assignment and completion, review by the Chief of Police, findings, and dates of receipt and disposition correspondence sent to the complainant.

The log is up to date with all complaints accounted for and listed during the period of the Grand Jury review through the current date.

There are some minor corrections to the statistical data reflected in the Grand Jury report. Since the reports were poorly organized it is understandable that determining correct statistical data would be challenging. The tracking, filing and organization system has been revised to allow for a more in depth audit. The following information reflects the original and corrected information:

	Reflected in the report.	Revised Information
Number of complaints.	29	28 One complaint was actually a claim for reimbursement
Complaints logged	0	2
Missing complaints	3	0 All are accounted for.
Signed complaints	14	14
Signed admonitions	13	13
Complaints sustained	7	5
Percent Sustained	24%	17%

The Atascadero Police Department is committed to providing professional police service to the community. Maintaining integrity of the citizen complaint process is a critical component in building and preserving the public trust with respect to employee accountability.

The Grand Jury review and report have generated considerable improvement in the citizen complaint process with this agency. Please accept my thanks and compliments to the Grand Jury members who conducted the review for their professionalism and cooperation.

Respectfully submitted,

John G. Couch
Chief of Police

Grover Beach Police Response

August 4, 2005

The Honorable Michael L. Duffy
Presiding Judge, Department 1
San Luis Obispo Superior Court
1050 Monterey Street, Room 355
San Luis Obispo, CA 93408

Dear Judge Duffy:

I have reviewed the 2005 Grand Jury report regarding Citizen Complaints Against Law Enforcement Agencies and have prepared the following responses to the *findings and recommendations*:

Response to Findings

1. All seven police agencies and the Sheriff's Department provide complaint forms to individuals who request them. **Respondent agrees with the finding.** This agency currently provides complaint forms to all individuals who request them.
2. The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form. **Respondent disagrees partially with the finding.** This agency does encourage individuals to meet with the supervisor solely for clarification and any explanation of the process and to answer any questions. This agency feels it is important from a customer service point of view to ensure all issues or questions are answered. This agency does not "strongly urge" a complainant, and we do not deny the forms if the individual refuses to speak to the supervisor.
3. If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later date. **Respondent disagrees partially with the finding.** This agency does inform the complainant that they may stop the interview or discussion at any time, and staff allows them to do so. This agency also allows them to take the forms to be completed at home and turned in at a later time if they desire. In fact, this agency will mail out the forms to a complainant if requested.
4. The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish. **Respondent agrees with the finding.** This agency will also make available forms in Spanish.

6. Most agencies only log written complaints. **Respondent agrees with the finding.**

7. The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer. **The respondent disagrees partially with the finding.** Although this agency does not have a monitoring “system”, this agency does monitor all complaints filed against the personnel of this department. We are a small agency with few complaints and all formal complaints are reviewed and kept track of by the administration. This agency also reviews any complaints in context with our policies and procedures for any violations or potential training issues.

8. Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standards and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations. **The respondent disagrees wholly with the finding.** All personnel who investigate formal complaints have received required training through P.O.S.T.

9. The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program. **Respondent agrees with the finding.** This agency does not subscribe to CALEA. Grover Beach has been reviewed by P.O.S.T. in the past year or so under it’s program.

10. Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest. **Respondent agrees with the finding.**

Response to Recommendations

1. The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1, 2, and 3) **The recommendation will not be implemented because it is not warranted.** This agency does not feel placing the complaint forms in the lobby are a good idea. Without the personal contact, this agency feels we may not be fully addressing the complainant’s problems and/or issues. This agency has, **however**, placed in the lobby a brochure in English and Spanish outlining our complaint procedures, answers to questions they may have, and how to obtain forms. All complainants are treated with the utmost respect and concern, and we feel that direct contact with trained personnel who explain the process and how to fill out the forms serves our community better.

2. A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1, 2, and 3) **The recommendation has been implemented.** This agency has included this information in our complaint brochures which are in the lobby. In addition, this agency has trained staff that greets all public in our lobby and if a person has a complaint, the process is explained to him/her and/or referred to a supervisor for further help so that there is no confusion or missed complaints.

Grover Beach Police Response

3. Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3) **The recommendation has been implemented.** All those who provide forms to and speak with individuals have already been trained. We have again reviewed the need to ensure this process remains successful.

4. Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3) **The recommendation has been implemented.** This agency currently uses this practice and has reinforced this information in our brochure.

5. The citizen complaint form should be made available in English and Spanish. (Finding 4) **The recommendation has been implemented.** This agency now has forms, and as soon as practicable information brochures, available in Spanish and English.

6. All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 and 7) **The recommendation has been implemented.** All formal written or verbal complaints per 832.5 PC that lead to an investigation are logged and maintained according to policy. Most citizens who come in to this agency who have a complaint get them resolved at the supervisor level before they become a formal complaint. Most of the time, complaints are misunderstandings of procedures or of the specific processes we are required to follow. Not all complaints require a formal internal investigation and are handled at the supervisory level. We now have a log system for complaints that are handled by the supervisor and there is no further action required.

7. Complaints that are resolved at the agency station should be kept in a separate log which may include: an identifier, a date, the complainant's name, the allegation, a summary of the complaint, the name of the officer involved, and the name of the officer who resolved the complaint. (Findings 6 and 7) **The recommendation will not be implemented because it is not warranted.** This agency feels most of the time complaints generated in our city are misunderstandings of the judicial system or of the specific procedures we are required to follow. Not all complaints require a formal internal investigation and can be handled at the supervisory level. This agency does not feel these misunderstandings or supervisory issues need to be maintained in a separate log along with our formal complaints. This agency does keep a separate log of all formal citizen complaints.

8. An individual file should be kept for each complaint. It should contain a Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. (Finding 7) **The recommendation has been implemented.** This agency currently keeps an individual file for each formal complaint containing the above information. The agency's final disposition information and memorandum is kept in the file containing all of the pertinent information regarding the complaint disposition and any action.

Grover Beach Police Response

9. A monitoring system should be used to track complaints against specific officers. (Finding 7) **The recommendation will not be implemented because it is not warranted.** This agency receives few complaints and it is not necessary to implement a tracking system. Currently each complaint is reviewed and one or more members of the Department's administration immediately evaluates behavior for any potential training needs, problems or trends.

10. Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or "The 24 Hours Internal Affairs (BASIC) Course". (Finding 8) **The recommendation has been implemented.** Currently all personnel who investigate formal complaints have completed the State P.O.S.T. training.

11. All seven city police agencies and the Sheriff's Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9) **The recommendation will not be implemented because it is not warranted.** This agency is in compliance with the State's P.O.S.T. standards and feels that the State P.O.S.T. training is sufficient for all complaint investigations and has no plans to participate in CALEA. The P.O.S.T. standards are in line with CALEA and this agency conducts periodic audits, as well as annual audits of our complaints and procedures.

12. The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizens complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10) **The recommendation will not be implemented because it is not warranted.** This agency feels that reviews conducted by the City Attorney are sufficient for all of our internal affair-citizen formal complaints and procedures. Currently the City Attorney reviews our complaints on a case-by-case basis giving input as necessary for compliance with law, policy and procedures. If any issues are beyond their expertise, the City Attorney may consider having it reviewed by an outside source.

Please feel free to contact me should you have any questions on concerns regarding the response contained herein.

Respectfully submitted,

Jim Copsey
Chief of Police

Cc: City Manager



City of Morro Bay

POLICE DEPARTMENT

850 Morro Bay Blvd.

Morro Bay, CA 93442

(805) 772-6225 fax: (805) 772-2224

John DeRohan

Police Chief

August 3, 2005

Honorable Michael L. Duffy
Presiding Judge, Dept. 1
San Luis Obispo Superior Court
1050 Monterey St., Rm. 355
San Luis Obispo, CA 93408

Dear Judge Duffy,

On June 9, 2005, I received a copy of the Grand Jury final report regarding their inquiry into the process and procedures of citizen's complaints against law enforcement agencies of this county. I commend the members of the Grand Jury for their time and efforts investigating this very complex subject. I am proud to report that the findings and recommendations of the Grand Jury support our efforts in this area and that the Grand Jury used many of our forms as models for the other county agencies. The Morro Bay Police Department subscribes to the services of "Lexipol" for our policies and procedures along with over 200 other California law enforcement agencies. Lexipol is a corporation comprised of attorneys specializing in law enforcement. Attorney Bruce Praet, a partner in Lexipol, is also the primary instructor for the POST Internal Affairs Course and is considered a well-known expert in internal affairs. Our subscription to Lexipol includes periodic and annual policy updates as case law changes or procedures change. Our citizen complaint policy is a similar policy to that used by over 200 other law enforcement agencies, which subscribe to Lexipol. It was initially written by Attorney Bruce Praet. Our citizen complaint policy is state-of-the-art and is up to date.

Per Penal Code Section 933.05, the following is our response to the findings and recommendations of the Grand Jury report. This report required our responses to Findings 1,2,3,6,7,8,9 & 10 and Recommendations 1,2,3,4,6,7,8,9,10, & 11.

Findings:

1. *All seven police agencies and the Sheriff's Department provide complaint forms to individuals who request them.*

We agree with the finding. The Department provides complaint forms to anyone who requests them.

Morro Bay Police Response

2. *The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.*

We partially agree with this finding. The complainant is never “strongly urged” to meet with a supervisor. Complainants are not always asked why they are requesting the complaint form. Department Policy on Personnel Complaints, section 1020.23 states, “A complaint may be filed in person, by writing or by telephoning the department.”

The Department has no requirement that a complainant meet with a supervisor prior to receiving or filing a personnel complaint. In an example last week, a person came to the department and requested eight personnel complaint forms. The Commander met with the person and asked if she would be willing to discuss her concerns with him. She refused on advice from her attorney. She was provided the complaint forms without any other conversation.

Whenever a person phones or comes to the police department and states they wish to complain about an officer, they are asked if they would like to speak to a supervisor. Most desire to talk to someone “in charge” in order to hear their complaint. Those that do not wish to speak to a supervisor and instead request a complaint form are given one.

My experience has been that when a person wants to complain about an employee or procedure, they usually want to talk to someone “in charge.” Many complaints are resolved on the spot simply by having the complainant speak with a supervisor. Many of the complaints boil down to procedures or laws that once explained, resolve the concern of the complainant.

We believe that direct communication with a complainant is important early in the process. A complainant generally feels that, being able to immediately speak with a supervisor means that we take great interest in their concerns and are immediately trying to resolve them. A supervisor will encourage the completion of a formal complaint form in any case, if the complainant desires or if the supervisor believes the complaint warrants further investigation.

The Department has never received a complaint from anyone who indicated that they were intimidated by this process. Many thanked us for providing the opportunity to meet with a supervisor and resolve the problem immediately.

3. *If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later date.*

We disagree with this finding. In this Department, when a supervisor meets with a complainant, the complainant is first informed of their options. The options include meeting with the supervisor and discussing their concerns or simply completing the complaint form. They are also informed that they have the option of completing the form right then or may take the form with them and return it to the attention of the police chief at a later date, either in person or by mail.

Morro Bay Police Response

6. *Most agencies only log written complaints.*

We partially agree with this finding with regards to our agency. The Morro Bay Police Department logs all complaints received under California Penal Code Section 832.5. In addition, we also maintain a file of non-formal complaints and potential complaints. Supervisors are directed that when a complaint comes to their attention and they either resolve it or provide the complainant a complaint form to be turned in later, the supervisor notifies the Commander of the issue either verbally or via email/memo. The Commander in turn notifies the Police Chief in writing or via e-mail. He provides the details of the resolved complaint or the fact that a formal written complaint is forthcoming. This communication is placed in a separate file in the Chief's office. The resolved minor complaints or documentation of a supervisors meeting with a complainant are not recorded on a "log" but instead are placed in file in the Chief's office.

7. *The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.*

We disagree with this finding. Any complaint filed against a specific officer or employee is immediately forwarded to the police chief. All the complaint forms are dated, logged, and assigned for investigation when they are received.

In addition, the Department maintains a Quality Services Program as outlined in our policy section 105. Part of this policy is specific to citizen complaints. The policy reads in part as follows:

"The Chief of Police will continually audit personnel complaints and civil claims regarding the Police Department for:

- a) The need to evaluate and/or modify Department policies and/or procedures,
- b) Training issues/deficiencies,
- c) Identification of employee attitudes and/or values in conflict with the Department's Mission, goals and Values, and
- d) A history or pattern of misconduct on the part of an employee, which may indicate the necessity for a Fitness-For-Duty Evaluation."

8. *Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standards and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.*

We disagree with this finding as it pertains to our agency. Only supervisors and command staff who have attended the POST Internal Affairs Course may investigate formal complaints.

Morro Bay Police Response

9. *The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.*

We agree with this finding as it pertains to our agency. However, we disagree with the recommendation that we be CALEA certified. The Morro Bay Police Department has not chosen to participate in the CALEA Program. It is a very costly and time intensive program for a small agency like ours. CALEA certification is not considered an industry standard for municipal police agencies. In California, the certification has little significance or value as California law enforcement agencies already must adhere to strict standards of the penal code, government code and from the California Commission on P.O.S.T.

I understand that only six municipal police agencies and one sheriff's department in California currently have CALEA Certification. We reviewed the CALEA standards for citizen complaints. Our policy on Internal Affairs exceeds the CALEA standards.

10. *Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.*

We disagree with this finding with regards to our agency. We routinely contract with other police consultants/attorneys to conduct internal affairs investigations when there is any potential conflict of interest. In fact, within the past two years, we have contracted twice for such investigations. In addition, we contract with the attorney firm of Furgerson, Praet and Sherman to review complex investigations and provide legal advice on internal affairs investigations even where there is no conflict of interest.

The internal affairs process is a very complex one. Certain investigations require the opinions and recommendations of expert attorneys specializing in this area. The City Attorney is also actively involved in our internal affairs process with all complaints and has conducted investigations for the Department.

RECOMMENDATIONS:

1. *The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1,2,&3)*

This recommendation has been implemented. Complaint forms are currently available from the front desk personnel at the lobby. We provide a brochure explaining the Citizen's Complaint Process attached to the complaint form. We will now make this brochure separately available in the lobby.

Morro Bay Police Response

2. *A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1,2,&3)*

A sign pointing to the availability of the brochure discussed in Recommendation #1 will be placed in the lobby.

3. *Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 & 3)*

We are already in compliance with this recommendation. All employees are trained in our policies and procedures including personnel complaints. To my knowledge, we have never had any citizen complain that they were intimidated when speaking to an employee or supervisor when provided a complaint form.

4. *Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 & 3)*

We have already complied with this recommendation. Our complaint information encourages the reader to meet with the Watch Commander or the employee's supervisor however states it is not mandatory. We actively encourage complainants to meet with the watch commander or supervisor to discuss their complaint.

6. *All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 & 7)*

As explained in our response to Finding #6, all formal personnel complaints received per Penal Code Section 832.5, are maintained in a log. Many complaints are resolved by a supervisor upon initially speaking with a complainant. In that case it is determined that no complaint existed. Some citizens do not understand that their concern doesn't rise to a "complaint" as legally defined. We do not "log" these types of concerns. However, if an actual complaint as legally defined, is resolved by a supervisor prior to a formal written complaint being completed by a complainant, the supervisor will send an email or memo to the Commander who will then forward it to the police chief. The police chief maintains a file on all such issues.

7. *Complaints that are resolved at the agency station should be kept in a separate log which may include:*
 - * *An identifier, date, complainant's name, the allegation, summary of the complaint, name of the officer involved, and name of the officer who resolved the complaint. (Findings 6 & 7)*

We are already in compliance with this recommendation. The Grand Jury was impressed with our log.

Morro Bay Police Response

8. *An individual file should be kept for each complaint. It should contain a Disposition Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition.*

We are already in compliance with this recommendation. The Grand Jury was impressed with our file format and forms. They used them as examples for the other law enforcement agencies.

9. *A monitoring system should be used to track complaints against specific officers.*

As discussed in Finding #7, this continues to be the practice of the Morro Bay Police Department and is included in our Policy Section 105. We do not have a formal computer system to track complaints against officers like LAPD, the example one Grand Jury member mentioned. For a large law enforcement agency, this might be warranted. We are an agency with only seventeen officers and average only between one and three citizen complaints each year for the past several years. We are easily able to monitor, track, and audit our complaints or any patterns developing with our officers and employees. In addition, as Police Chief, I periodically review the citizen complaints, per our policy.

10. *Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or "The 24 Hours Internal Affairs (BASIC) Course". (Finding 8).*

We are already in compliance with this recommendation.

11. *All seven city police agencies and the Sheriff's Department should bring their citizen complaint, internal affairs procedures to a standards such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9)*

We believe that our procedures are the functional equivalent of CALEA. I have reviewed the CALEA standards and I believe our policies and procedures currently exceed CALEA standards. Our subscription to Lexipol as mentioned in the introduction, includes periodic and annual policy updates as case law changes or procedures change. Additionally as discussed under Finding #7, the Department already has an audit procedure for personnel complaints (Policy Section 105) in place.

Morro Bay Police Response

12. *The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizens complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10)*

We are already in compliance with this recommendation. Our City Attorney is involved in all our major citizen complaints. In addition, we have also contracted the services of Attorney Bruce Praet to review major internal affairs investigations. Minor and frivolous complaints do not warrant the review of an independent legal counsel. Prior to the imposition of disciplinary action against an employee, our City Attorney reviews the investigation and proposed discipline. Our City Attorney is also involved in the “Skelly” hearing and any related appeal process.

Should you have any further questions or concerns regarding this response, please feel free to contact me.

Sincerely,

John DeRohan
Police Chief

Cc: City Manager
City Attorney

Paso Robles Police Response

August 10, 2005

Honorable Michael L. Duffy
Presiding Judge of the Superior Court
1050 Monterey Street, Room 355
San Luis Obispo, Ca. 93408

Dear Judge Duffy,

I would like to thank you and the Grand Jury for inquiring and making suggestions for improvement to policies and procedures to San Luis Obispo Law Enforcement agencies. The information provided has allowed us to review our process and policies concerning these issues, and make appropriate changes and refinements. The Grand Jury has been extremely helpful in this endeavor.

The following is my official response to the 2004-2005 Grand Jury Final Report findings and recommendations concerning citizen complaints against law enforcement agencies and internal affairs investigations.

FINDINGS:

- 1. All seven police agencies and the Sheriff's Department provide complaint forms to individuals who request them.**

I agree with the Grand Jury Findings.

- 2. The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.**

I agree that complainants are urged to meet with a supervisor, however it is to determine whether a complaint form is needed or if the complaint can be resolved immediately at the supervisor level without the need for a formal complaint form.

- 3. If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later date.**

I disagree with this finding. All individuals who choose to meet with a supervisor to discuss their issues are advised by the supervisor that they can make a formal complaint and take a complaint form with them.

4. **The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish.**

I partially agree with this finding. Although our complaint form is written entirely in English, there is an addendum written in Spanish and twenty other languages available that meet the requirements of Senate Bill (SB) 2133 which requires law enforcement agencies to provide the complaint advisory in multiple languages. Additional language translations are also available through the Department of Justice web site. This has been in effect in our agency since April of 2001.

5. **The Atascadero Police Department does not maintain a citizen complaint log.**

Not applicable.

6. **Most agencies only log written complaints.**

I partially agree with this finding. We log all citizen complaints that meet the criteria identified in California Penal Code Section 832.5. In addition we keep a file of other complaints or citizen inquiry but they are not placed on a control log. We do not log, document or file all citizen inquiries or requests for clarification.

7. **The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.**

I partially agree. While the Paso Robles Police Department does not have a written policy that identifies required audit schedules or timelines, it does have master complaint logs that allow the Administration to monitor complaints against specific officers and trends.

8. **Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officer Standards and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.**

I partially disagree with the Grand Jury findings that officers investigating citizen complaints have not taken the appropriate POST internal affairs basic course. All but two of our supervisor and managers have completed this training and those two are already scheduled in upcoming classes. Those officers have participated in the investigation of citizen complaints under the supervision and direction and assistance of trained managers.

9. **The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.**

I agree with this finding. PRPD does not participate in the CALEA Program. We believe that the POST standards and training and California Codes are sufficient.

10. **Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and /or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.**

I partially agree with this finding. We have legal council that on occasion and, at our request, will review citizen complaints and internal affairs investigations. We do not have a formal review process by independent or outside consultants or agencies.

RECOMMENDATIONS:

1. **The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1, 2, and 3)**

We will address this recommendation by making Citizen Complaint forms available at the front reception area in our lobby.

2. **A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1, 2, and 3)**

We will address this recommendation by placing a sign in our lobby identifying the complaint process, the availability of complaint forms and a supervisor to discuss any complaints.

3. **Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3)**

We will address this recommendation through our supervisory quality control monitoring and employee training.

4. **Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3)**

This recommendation will be addressed with the posting of the lobby sign (recommendation 2) and employee training. The complainant will need to meet

with a complaint investigator (supervisor) assigned to investigate the complaint. This Grand Jury recommendation could cause some confusion. We will address this through training and appropriate advisement on the posted sign.

5. The citizen complaint form should be made available in English and Spanish. (Finding 4)

We currently have a Spanish addendum insert that is given to Spanish speaking only complainants. As stated above we have this insert available in Spanish and, twenty other languages at this time. We will however address this Grand Jury recommendation by developing a complaint form entirely in Spanish by the end of this calendar year.

6. All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 and 7)

All citizens complaints either written or verbal are investigated and entered in our citizen complaint or internal affairs files which contain a master log. Informal complaints, that do not meet the complaint threshold per the law, are addressed and placed in a file, but are not placed on the master citizen complaint/IA log. We will address this recommendation by creating a master log to place in the citizen inquiry file to better track and audit these inquiries.

7. Complaints that are resolved at the agency stations should be kept in a separate log which may include:

- **an identifier**
 - **a date**
 - **the complainant's name**
 - **the allegation**
 - **a summary of the complaint**
 - **the name of the officer involved**
 - **the name of the officer who resolved the complaint**
- (Findings 6 and 7)**

As stated above in recommendation 6, we will address recommendation 7 by creating a master log for informal complaints and we will also create a new form that provides uniformity and contains the information recommended above in recommendation 7.

8. An individual file should be kept for each complaint. It should contain a Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. (Finding 7)

Paso Robles Police Response

This recommendation will be addressed by incorporation of a Disposition Action Memorandum. Our files already include the other items or documents listed in recommendation 8.

9. A monitoring system should be used to track complaints against specific officers. (Finding 7)

We currently have a manual monitoring system by reviewing the master logs. We do not have the need for an elaborate and expensive automated (computer) system because of the small size of our agency and the limited number of yearly citizen complaints. We will address this recommendation by establishing an audit schedule in our policy that will provide for regular audits of complaints.

10. Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or “The 24 Hours Internal Affairs (Basic) Course”. (Finding 8)

We will address this recommendation by assigning formal citizen complaints against officers to supervisors who have completed the POST Internal Affairs Course. Non formal complaints/inquiries may be assigned to a supervisor who has not yet completed the POST Internal Affairs Course, however this will be done under the direction and supervision of a supervisor or manager that has completed the POST Internal Affairs Course.

11. All seven city police agencies and the Sheriff’s Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9)

The City of Paso Robles Police Department does not subscribe to the CALEA Program at this time. Of the 338 Municipal Law Enforcement Agencies in California, only a hand-full do participate. The size of our agency and costs involved does not justify our participation in the CALEA program. Our investigative standards are consistent with POST training guidelines and State law. We will address this recommendation as stated above in recommendation 9 by formalization our audit schedule in our Department policy concerning citizen complaints.

12. The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizen complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10)

We will address this recommendation by utilizing our City legal council, when necessary and appropriate. Independent review of personnel files is a delicate

Paso Robles Police Response

issue with legal protections and they can be reviewed under very specific and limited conditions by outside sources.

13. The Atascadero Police Department should maintain a citizen complaint log (Finding 5)

This recommendation does not apply to the City of Paso Robles.

Yours for Professional Law Enforcement,

Dennis J. Cassidy
Chief of Police

Pismo Beach Police Response

The Honorable Michael L Duffy
Presiding Judge, Department 1
San Luis Obispo Superior Court
1050 Monterey Street, Room 355
San Luis Obispo, CA 93408

Dear Judge Duffy:

Please accept this paper as the Pismo Beach Police Department's response to the Findings and Recommendations presented by the 2004-05 San Luis Obispo County Grand Jury inquiry into the Law Enforcement Internal Affairs Practices within the County.

As a police chief I am always concerned about our ability to maintain the public's trust. To that end it is important that we provide avenues of communication which aren't stifled through the use of a process which is intimidating or burdensome. We need to hear about activities we've handled well, those we haven't, and those in which our processes can be improved upon. The 2004-2005 Grand Jury Final Report has provided us with just such an opportunity and for that I am thankful.

The Final Report stated, "*The process of filing a citizen complaint can be intimidating, particularly if the complaint is done in person at the law enforcement office.*" I consider the reduction of the 'intimidation factor' to be the central theme of the Grand Jury's inquiry into the Internal Affairs process, and that has been the guiding principle in our former complaint process as well as the improved process which has come about as a result of the Grand Jury's findings.

Although I am fortunate to manage a police department, which generates exceptionally few personnel complaints, we did find room for improvement to make the process easier, less burdensome, and less intimidating. Again, the Grand Jury's findings were both welcome and constructive. We thank each of the Grand Jury members for the valuable service they provide to our citizenry.

FINDINGS**1. Agree with the Grand Jury Finding****2. Agree with the Grand Jury Finding**

The Pismo Beach Police Department's Department Manual states the following:

General Order 1020.23: A complaint may be filed in person, by writing or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person.

The purpose of having the complainant meet with the supervisor is to allow the supervisor to explore the nature of the complaint in depth. Oftentimes what is viewed by the complainant as a *personnel* complaint is actually complaint about a departmental policy or procedure. Also, because criminal and civil liability does attach to a complaint falsely made, an in-person interview allows the supervisor to make a judgment concerning the complaint's state of sobriety. Although we will accept a complaint at that time if the complainant insists, every effort will be made to re-contact the complaint when he or she is sober.

3. Disagree with the Grand Jury Finding

The department's personnel complaint form did not contain any language notifying complaints that they could stop an interview at any time and take the form with them to be completed. It has never been a practice or policy to prohibit a complainant from having a right to terminate an interview, nor are we aware of any circumstances wherein a complainant was not allowed to terminate an interview. However, to provide clarification to the matter our personnel complaint forms have been amended to include language which clearly states a complainant's right to terminate an interview and to take the complaint form with them to be completed at a later date.

4. Agree with the Grand Jury Finding

Prior to the publication of the Grand Jury's Final Report, the Pismo Beach Police Department developed a Spanish language version of the personnel complaint form.

5. Not applicable to the Pismo Beach Police Department**6. Agree with the Grand Jury Finding**

The Pismo Beach Police Department has a policy of logging all complaints received from any source (in person, via telephone, mail, email, etc.), which meet the requirement of California Penal Code Section 832.5.

On July 19, 2005, the Police Department began maintaining a separate file on all informal complaints it receives which do not fall under Section 832.5.

7. Disagree with the Grand Jury Finding

The Pismo Beach Police Department generates an average of only three complaints a year. As such, it is neither difficult nor cumbersome to pay close attention to specific employees that may be generating repeated complaints. The department's Internal Affairs investigation log continues to serve as a sufficient monitoring system given the small number of complaints received annually. The information contained on the complaint log serves as a flagging system to quickly and easily identify employees with a history or pattern of conduct, which is, or may become problematic.

8. Disagree with the Grand Jury Finding

It is the practice of the Pismo Beach Police Department that supervisors who conduct Internal Affairs Investigations are trained in courses certified by the California Commission on Peace Officer Standards and Training (POST) concerning conducting internal affairs investigations, as well as appropriate periodic update training. Commanders and Sergeants are the ones that are assigned to conduct I.A. investigations and all have completed such training.

9. Agree with the Grand Jury Finding

The Pismo Beach Police Department is proud to be seeking accreditation through the profession's foremost national accreditation program. That is the program offered by the Commission on the Accreditation of Law Enforcement Agencies (CALEA). CALEA was founded by four of the most prestigious law enforcement organizations in the country; the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Sheriffs Association (NSA), and the National Organization of Black Law Enforcement Executives (NOBLE). The Commission was formed for two reasons: to develop a set of law enforcement standards; and to establish and administer an accreditation process through which law enforcement agencies could demonstrate voluntarily that they meet professionally-recognized criteria for excellence in management and service delivery.

We strongly believe that our conformity and adherence to a national set of law enforcement standards will enable us to provide an exceptionally high level of law enforcement service to our community.

10. Disagree with the Grand Jury Finding

While it is true that there are no formal written agreements in place the Pismo Beach Police Department has a history of utilizing the services of investigators from outside law enforcement agencies, as well as private consultants when encountering potential conflicts of interest in internal affairs investigations.

Additionally, the City of Pismo Beach has on retainer a law firm that specializes in the field of police personnel law. The police chief has utilized the services of this firm when warranted.

RECOMMENDATIONS

1. Complaint forms in Spanish and English are currently available from the front lobby personnel. The department has also developed a new form which is on display in the front lobby and allows persons to register a concern. This may be done by completing the form in person, mailing it in, or by any other means accessible to the complainant.
2. The Police Department chooses to not meet this recommendation. The lobby of the police department is clean, bright, and clutter-free. We have a bare minimum of signage posted in the lobby in an effort to maintain a clean appearance. All complainants are verbally encouraged to meet with a supervisor to discuss their complaint, and such a notice is also contained on our personnel complaint form. We feel the existing notifications are adequate.
3. The proper way to conduct appropriate and non-intimidating interviews with complainants is taught during the POST Internal Affairs Investigation course. That technique is also the expectation of this agency. Although we have not received any complaints that our supervisors were intimidating, the Chief will be meeting with all supervisors to review every aspect of the complaint process to ensure consistency with our policy.
4. The Pismo Beach Police Department continues to adhere to such practice.
5. A Spanish language complaint form has been produced and implemented.
6. As discussed in Finding #6, all complaints received per Penal Code Section 832.5 are entered into a log. A separate log has been developed for all informal complaints which do not fall under Section 832.5.
7. On July 19, 2005 the Pismo Beach Police Department began to maintain a file on all informal complaints which are received but do not fall under Penal Code Section 832.5.
8. The department currently maintains an individual file for each complaint. These files contains a copy of the complaint form, the signed admonition, copies of interviews, audio and video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. The sample Disposition of Action Memorandum in Sample A of the Grand Jury Final Report appears to be a better product than the one currently in use. As such, the Pismo Beach Police Department has already begun to use the sample document.
9. A monitoring system has been in place and will remain so.
10. As discussed under Finding #8, this is the policy of the Pismo Beach Police Department. Commanders and Sergeants are the ones that are assigned to conduct I.A. investigations and all have completed such training.

11. The Pismo Beach Police Department is proud to be seeking accreditation through the profession's foremost national accreditation program. That is the program offered by the Commission on the Accreditation of Law Enforcement Agencies (CALEA). CALEA was founded by four of the most prestigious law enforcement organizations in the country; the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Sheriffs Association (NSA), and the National Organization of Black Law Enforcement Executives (NOBLE). The Commission was formed for two reasons: to develop a set of law enforcement standards; and to establish and administer an accreditation process through which law enforcement agencies could demonstrate voluntarily that they meet professionally-recognized criteria for excellence in management and service delivery.

We strongly believe that our conformity and adherence to a national set of law enforcement standards will enable us to provide an exceptionally high level of law enforcement service to our community.

12. As discussed in Finding #10, the Pismo Beach Police Department has a history of utilizing the services of investigators from outside law enforcement agencies, as well as private consultants when encountering potential conflicts of interest in internal affairs investigations.

Additionally, the City of Pismo Beach has on retainer a law firm that specializes in the field of police personnel law. The police chief has utilized the services of this firm when warranted.

13. Not applicable to the Pismo Beach Police Department.

Again, I thank the Grand Jury members for the service they render to the residents of San Luis Obispo County. I believe we have been well served. If I may answer any questions or concerns regarding our response to the findings and recommendations please do not hesitate to contact me.

Sincerely,

Joseph A. Cortez
Chief of Police

Cc: City Manager Kevin Rice

Sheriff's Department's Response

July 12, 2005

The Honorable Michael T. Duffy
Presiding Judge of the Superior Court
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, California 93408

RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

Dear Judge Duffy:

The above entitled Grand Jury report was received by me on June 9, 2005. The report focused on the policies and practices of handling citizen=s complaints and conducting internal affairs investigations within the seven city police departments and the Sheriff=s Department.

Members of the Grand Jury reviewed the written policies, procedures and forms of each target law enforcement agency, and also reviewed California Highway Patrol policies and forms. Members also interviewed key staff members as requested and reviewed Commission on Accreditation for Law Enforcement Agencies (CALEA) recommendations and models.

Responses to specific findings and recommendations as required are as follows:

Findings

1. *All seven police agencies and the Sheriff=s Department provide complaint forms to individuals who request them.*

PAGE 2 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

The department agrees with this finding.

2. *The complainant is strongly urged to meet with a supervisor and is asked why he or she is requesting the complaint form.*

The department disagrees with this finding. It is the practice of the Sheriff=s Department to explain procedures or discuss an incident with a citizen who desires to file a complaint, if the citizen is so willing, however does not strongly urge or require a meeting.

3. *If individuals choose to be interviewed after requesting a complaint form, they are not informed that they can stop the interview at any time and take the form with them to be completed at a later time.*

The department disagrees partially with this finding. Supervisors who meet with citizens who inquire regarding the complaint process know that department policy allows a complaint to be received by telephone or mail. Citizens who appear reluctant to discuss the incident or any portion of the incident are told they may take the form with them and return it by mail.

4. *The citizen complaint form is only available in English with the exception of the City of Morro Bay, where it is also available in Spanish.*

The department agrees with this finding.

6. *Most agencies only log written complaints.*

The department disagrees partially with this finding. While not familiar with the practices of each city police department, the Sheriff=s Department logs all complaints which are assigned for investigation. Some complaints are received by telephone call, or verbally presented.

7. *The eight law enforcement agencies do not have a monitoring system to indicate when a complaint is filed against a specific officer.*

The department disagrees with this finding.

Sheriff's Department's Response

PAGE 3 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

8. *Not all officers investigating citizen complaints have taken the appropriate training, such as the Peace Officers Standard and Training (POST) course or the Internal Affairs (BASIC) course, to perform internal investigations.*

The department disagrees with this finding.

9. *The Pismo Beach Police Department is the only agency that utilizes the Commission on Accreditation for Law Enforcement Agencies (CALEA) program.*

The department disagrees with this finding.

10. *Currently, there is no formal process for the eight law enforcement agencies in San Luis Obispo County to have another independent agency or independent consultant conduct and/or review internal affairs investigations relating to citizen complaints when there is a possible conflict of interest.*

The department agrees with this finding.

Recommendations

11. *The citizen complaint form should be made available in the lobby of each law enforcement agency facility. (Findings 1, 2 and 3)*

The recommendation has not yet been fully implemented, but will be implemented within the next six months. The department also intends to make complaint forms available for download on a department web site.

12. *A sign in the lobby should clearly indicate that the complaint can be discussed with a supervisor or watch commander, if the individual so wishes. (Findings 1, 2 and 3)*

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The recommendation requires further analysis to determine if implementation would be helpful to those intending to make a complaint but reluctant to do so. Making complaint forms more visible and easily accessed by the public may serve the same purpose.

13. *Each agency should review the practices used by all individuals who provide complaint forms to citizens to ensure that unnecessary questions, or requests that may be intimidating, be eliminated. (Findings 2 and 3)*

The recommendation has been implemented. We have determined that all supervisors are aware not to ask complainants unnecessary or intimidating questions beyond relevant facts.

14. *Complainants should be advised that they can, but are not required to, meet with a supervisor or watch commander to discuss their complaint. (Findings 2 and 3)*

The recommendation has been implemented. This is the department's current practice, except in cases of anonymous complaints.

15. *The citizen complaint form should be made available in English and Spanish. (Finding 4)*

The recommendation has not yet been implemented, but will be implemented within the next six months.

16. *All complaints, whether written or verbal, should be entered and maintained in a log. (Findings 6 and 7)*

The recommendation has been implemented. All complaints which result in an internal investigation are maintained in a log.

7. *Complaints that are resolved at the agency station should be kept in a separate log which may include:*
 \$ *an identifier*
 \$ *a date,*

PAGE 5 - RESPONSE TO 2004-2005 GRAND JURY REPORT ON CITIZEN COMPLAINTS AGAINST LAW ENFORCEMENT AGENCIES - INTERNAL AFFAIRS INVESTIGATIONS

- \$ the complainant's name,
- \$ the allegation,
- \$ a summary of the complaint,
- \$ the name of the officer involved, and
- \$ the name of the officer who resolved the complaint.

(Findings 6 and 7)

The recommendation will not be implemented because it is not warranted or reasonable. Supervisors at patrol stations who learn of possible or suspected misconduct forward all related documentation to the Sheriff for appropriate investigation. Maintaining separate logs would hinder the gathering of information and compliance with legal motions.

11. *An individual file should be kept for each complaint. It should contain a Disposition of Action Memorandum, such as the sample in Appendix A. In addition, the file may include a copy of the complaint form, the signed admonition, copies of interviews, audio/video tapes, final disposition and a copy of the letter sent to the complainant that states the final disposition. (Finding 7)*

The recommendation has been implemented. All of the above documentation and evidence is contained in the investigative file.

12. *A monitoring system should be used to track complaints against specific officers. (Finding 7)*

The recommendation has been implemented. A data base is maintained so that all complaints received against any employee can be identified.

13. *Citizen complaints against a peace officer or other personnel, (internal affairs investigations), should be conducted only by officers who have completed the POST training or AThe 24 Hours Internal Affairs (BASIC) Course@. (Finding 8)*

The recommendation has been implemented. Investigations of citizen complaints are conducted only by the rank of sergeant or above. All in these ranks have received POST Internal Affairs training.

Sheriff's Department's Response

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14. *All seven city police agencies and the Sheriff=s Department should bring their citizen complaint, internal affairs procedures to a standard such as CALEA which includes periodic audits to ensure compliance to the standards. (Finding 9)*

The recommendation has been implemented. The department=s practices are equivalent to CALEA accredited policies.

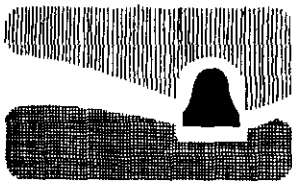
15. *The eight law enforcement agencies should consider establishing a formal process for an independent review of their internal affairs-citizens complaints with an independent legal counsel who specializes in law enforcement personnel and disciplinary actions, prior to final disposition. (Finding 10)*

The recommendation will not be implemented because it is not warranted or reasonable. It is cost prohibitive to require an independent review by an attorney who is a specialist in law enforcement labor law for every complaint resulting in an internal investigation. It may be reasonable to consider doing so for cases in which disciplinary action is warranted.

Sincerely,

Patrick Hedges
Sheriff-Coroner

PH/SB/



city of san luis obispo

990 Palm Street, San Luis Obispo, CA 93401-3249

August 30, 2005

The Honorable Michael L. Duffy
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, CA 93408

Re: 2004-2005 Grand Jury Report
Response of City of San Luis Obispo Police Department

Dear Judge Duffy:

In accordance with Penal Code §933(f), the following is the City of San Luis Obispo Police Department's response to the 2004-2005 Grand Jury Report titled "Citizen Complaints Against Law Enforcement Agencies Internal Affairs Investigations." The Police Department appreciates the diligent work of the Grand Jury during this investigation. We take seriously our responsibility to receive and investigate citizen complaints in order to ensure the public's trust in our agency and its employees. The Grand Jury's findings and recommendations have assisted us in improving our policies and procedures. Please accept my responses as follows:

FINDINGS:

Finding 1: The City agrees with the finding.

Finding 2: The City agrees with the finding. When someone comes to the Police Department or calls to lodge a complaint against an employee, the complainant is encouraged to discuss his or her concerns with a supervisor. This is done for several reasons. In many cases, the complainant's concerns stem from a misunderstanding about a law or procedure, or from a lack of information, rather than an officer's conduct. In these situations, the supervisor is often able to provide the desired information to the complainant and successfully resolve the situation to the complainant's satisfaction. This is a desirable outcome for everyone involved. However, if a complainant does not wish to speak with a supervisor to discuss the situation, he or she is promptly provided a written complain form and information pamphlet.

Finding 3: The City partially disagrees with this finding as it pertains to the City of San Luis Obispo. When a member of the public chooses to speak with a supervisor about a complaint, the supervisor generally allows the person to describe what happened without interruption in order to afford an opportunity to provide appropriate background and to describe his or her feelings about the incident. This also allows the supervisor to determine whether the complaint is of the nature that should warrant an investigation, or is due to a legal or procedural



The City of San Luis Obispo is committed to include the disabled in all of its services, programs and activities. Telecommunications Device for the Deaf (805) 781-7410.

misunderstanding that can be cleared up with additional information. Many situations are successfully resolved to everyone's satisfaction just by discussing the matter and learning more information about what happened. Whether or not the individual is advised that they can stop this discussion and complete the form at a later date depends on the context of each interaction. The supervisor may provide this advisement when appropriate, or may have no reason to if the complainant is willingly discussing the situation with the supervisor.

Finding 4: The City agrees with the finding.

Finding 5: Applies to the Atascadero Police Department only.

Finding 6: The City agrees with the finding.

Finding 7: The City disagrees with the finding as it pertains to the City of San Luis Obispo. Every citizen complaint is reviewed by a Captain and the Chief of Police who are able to monitor the complaints and spot trends or multiple complaints relating to the same officer. In addition, the Chief of Police has access to the citizen complaint log, investigative files, and personnel files in order to further monitor complaints against officers. The City does not utilize a computerized tracking system to monitor complaints against officers; however the size of our Police Department (58 sworn employees) does not warrant such a system. Employing an automated system similar to those used by very large agencies would not be cost-effective or necessary. We believe the manual system is sufficient and effective for the size of the San Luis Obispo Police Department.

Finding 8: The City disagrees with the finding as it pertains to the City of San Luis Obispo. All personnel who act as the primary investigator of citizen complaints have been to the POST basic internal affairs course. The primary investigators are always Sergeants or Lieutenants, and some have received advanced training in this subject area in addition to the POST basic internal affairs training.

Finding 9: The City agrees with this finding. The City of San Luis Obispo does not formally participate in the CALEA program due to its high cost and the significant workload it entails that would keep Police personnel from performing other essential functions. And, in light of the fact that we have already had to eliminate positions in the Police Department in order to balance our budget, the CALEA program does not make sense for us at this time.

Finding 10: The City disagrees with this finding as it pertains to the City of San Luis Obispo. The City has a process for the investigation and/or review of citizen complaint investigations that present a potential conflict of interest. If a citizen complaint presents a clear conflict of interest (such as formal allegation against the Police Chief), the City Administrative Officer, in consultation with the Human Resources Director and the City Attorney, may decide to arrange for another agency or independent contractor to conduct the investigation. Pursuant to the City Personnel Rules and Regulations, when sustained complaints result in a recommendation of suspension of an employee for more than five days or termination, the Chief of Police is required to consult with the Human Resources Director and to obtain approval from

the City Administrative Officer prior to imposing the recommended discipline. Some complaints, such as those involving allegations of sexual harassment, also trigger the involvement and monitoring by the Human Resources Department in the investigation. Finally, complaint investigations that are complex in nature or that may lead to serious discipline are in most every instance reviewed by the City Attorney who has expertise in this area of law. In cases that may present a conflict or that require specialized legal expertise that cannot efficiently be provided through the City Attorney's office, the City will hire an outside investigator to review the matter and, as appropriate retain outside legal counsel to advise the City.

RECOMMENDATIONS:

Recommendation 1: The recommendation has been implemented. The citizen complaint form and accompanying information pamphlet has been made available in the lobby of the Police Department.

Recommendation 2: The recommendation has been implemented. Signage has been posted alongside the citizen complaint forms and containing the recommended information.

Recommendation 3: The recommendation has been implemented. The practice utilized by supervisors when discussing concerns with complainants was reviewed and discussed with supervisors and managers at a staff meeting on August 10, 2005, to ensure they avoid behaviors that could be perceived as intimidating. A meeting was held with personnel who staff the front counter to ensure they provide the appropriate forms when requested while also offering any complainant the option to discuss the situation with a supervisor. Finally, and email was sent to all Police Department employees containing this same information.

Recommendation 4: The recommendation has been implemented. This is the current practice of the Police Department. This practice was reiterated in an email to all employees and in discussions with supervisors and front counter personnel.

Recommendation 5: The recommendation has not yet been implemented, but will be implemented by November 1, 2005. Minor updates to the citizen complaint form and information pamphlet are being made. As soon as this is complete, the form and pamphlet will be sent to a certified translator to produce a Spanish language version. Both the English and Spanish language versions of the material will be made available in the Police Department lobby.

Recommendations 6 and 7:

- (A) **The recommendations had been implemented as to written complaints prior to the Grand Jury report.** The Police Department has a long-standing practice of logging all written complaints received by members of the public and assigned for investigation. This includes complaints received verbally and reduced to writing by a supervisor upon confirmation by the complainant that they are desirous of making a formal complaint for investigation. This has been the longstanding practice of the agency.

(B) **The recommendations will not be implemented as they relate to “verbal complaints” because it is not warranted.** For the purposes of these recommendations, we are defining a verbal complaint as follows:

- a. Information received verbally by a Police Department supervisor from a member of the public that does not involve conduct by an employee that could be interpreted as a violation of law or policy. Examples include a simple misunderstanding about a situation or the applicable laws involved, or a legal issue that should be raised in some other venue (such as a complainant being unhappy about receiving a citation when the officer was legally justified in issuing it – the complainant should argue his or her case to the Traffic Commissioner); or
- b. When the information involves minor conduct issues alleged by a complainant and, after a discussion about the event, the supervisor and complainant reach a resolution in which the complainant is not desirous of filing a written complaint against the employee.

Currently, members of the public have several options for lodging a complaint against a Police Department employee. They may provide the complaint in writing, either on a citizen complaint form or other written document, or they may speak to a supervisor in person or by phone to make a complaint. When a complaint is received verbally, the supervisor discusses the situation with the complainant in order to better understand the situation and to determine if the issue can be resolved. Often a member of the public simply needs more information or an explanation of the circumstances surrounding an event in order to resolve the situation to their satisfaction. Our supervisors strive to be as responsive as possible, to listen to the concerns of the public, and to attempt to resolve issues as quickly and responsibly as possible.

If a member of the public alleges serious misconduct by an employee, the supervisor will ensure the individual completes a complaint form. Even if the complainant refuses, or if the information is being received via phone or email, the supervisor documents the allegation of serious misconduct and forwards the information to the Chief of Police via the appropriate chain-of-command. The Chief of Police may initiate an investigation with or without a written citizen complaint.

When a verbal complaint does not involve any allegations of serious misconduct, and the complainant does not wish to make a written complaint or trigger a formal investigation, the supervisor attempts to resolve the complaint. An important part of this resolution is the ability of supervisors to openly and honestly discuss these situations with the employee involved in order to determine what happened and why, and to work with the employee if corrections in his or her performance are needed. These situations and discussions are documented, when appropriate, in counseling memos and employee evaluations. This procedure is currently very effective. It allows supervisors to quickly resolve less-serious issues with members of the public while maintaining the ability of

our supervisors to work with employees to ensure their performance meets expectations and complies with departmental policy.

If supervisors were required to reduce all verbal complaints to writing, including the information outlined in this recommendation, there is significant risk that officers will perceive this as a written complaint and be resistant to informally discussing any allegations with a supervisor without an association or legal representative present. This would result in a chilling effect on the ability of supervisors to openly discuss issues with employees with an eye toward continual performance improvement rather than formal discipline.

Representatives for the officers have indicated that officers would also be very concerned that unsubstantiated allegations by a member of the public would be formally documented and tracked, without a thorough and formal investigation as to the truth and validity of such allegations. Especially of concern to police employees is that these allegations would be documented even when the complainant specifically said he or she did not want to make a written or formal complaint, and was satisfied with the response of the supervisor. There is also concern that, legally, such records would be considered discoverable in court through a *Pitchess* motion and that information containing unsubstantiated allegations not subjected to rigorous investigation could improperly be released, thereby impugning officers' reputations and effectiveness as law enforcement personnel.

It is likely that should the recommended procedure be implemented, employees would demand the Police Department formally investigate every allegation reduced to writing in order to "clear their name," even when the complainant is not desirous of such an investigation. The resulting costs, both in staff time and legal fees, would be exorbitant.

The procedures currently being used by the City are sound and effective, and ensure that allegations of serious misconduct by employees are reported and investigated, while maintaining the ability for supervisors to informally counsel and work with employees to improve their performance when needed.

Recommendation 8: This recommendation had been implemented prior to the Grand Jury report. As has been its long-standing practice, the Police Department maintains a separate file for each written complaint, including a disposition form and all appropriate investigative reports, recordings, admonitions, and disposition letters.

Recommendation 9: This recommendation had been implemented prior to the Grand Jury report. Every citizen complaint is reviewed by a Captain and the Chief of Police who are able to monitor the complaints and spot trends or multiple complaints against the same officer. In addition, the Chief of Police has access to the citizen complaint log, investigative files, and personnel files in order to further monitor complaints against officers. The City of San Luis Obispo does not utilize a computerized tracking system to monitor complaints against officers; however the size of our Police Department (58 sworn employees) does not warrant the high cost

of such a system. We believe the manual system is sufficient and effective for the size of the Police Department.

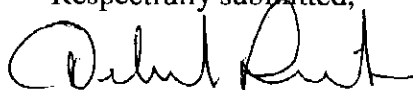
Recommendation 10: This recommendation had been implemented prior to the Grand Jury report. All personnel who act as the primary investigator of citizen complaints have been to the POST basic internal affairs course. The primary investigators are always Sergeants or Lieutenants, and some have received advanced training in this subject area.

Recommendation 11: The recommendation to adopt the CALEA standard will not be implemented because it is not warranted. The City of San Luis Obispo does not formally participate in the CALEA program due to its high cost and the significant workload it entails that would keep Police personnel from performing other essential functions. And, in light of the fact that we have already had to eliminate positions in the Police Department in order to balance our budget, the CALEA program does not make sense for us at this time. The Police Department's existing policy is legally sound and effective, and was cited by the Grand Jury in their report as a good example of a "concise, comprehensive set of written procedures." Our current policy is largely consistent with the CALEA standard, and in many areas goes beyond the information required by CALEA. Our policy has been reviewed and approved by legal counsel and employee associations who are affected by it, and it complies with the requirements outlined in California Penal Code 832.5 and California Government Code 3300 et seq (commonly known as the Peace Officer Bill of Rights). Modifying the policy to CALEA standards are not necessary.

The recommendation as to conducting periodic audits of citizen complaint procedures and files has not yet been implemented, but will be by November 1, 2005. Although the Chief of Police reviews every citizen complaint investigative file, the Police Department does not currently have a policy requiring regular audits of these files to ensure compliance with the law and our policy. The Department will develop and implement such policy by November 1, 2005.

Recommendation 12: This recommendation had been implemented prior to the Grand Jury report. Complaint investigations that are complex in nature or that may lead to serious discipline are reviewed by the City Attorney who has expertise in this area of law. In cases that may present a conflict or that require specialized legal expertise beyond that of the City Attorney's office, the City has processes in place to retain outside Counsel to review these investigations.

Respectfully submitted,



Deborah Linden
Chief of Police

Cc: City Council
CAO Ken Hampian

To: Board of Supervisors

From: Vincent Morici, Administrative Analyst

Date: August 2, 2005

Subject: Responses to 2004-2005 Grand Jury Report dealing with Investigations into Alleged Use of Excessive Force by the Sheriff Department.

RECOMMENDATION

The Board of Supervisors adopt the following response as the Board of Supervisors' responses to the above mentioned 2004-2005 Grand Jury Report and forward this response to the Presiding Judge of the Superior Court.

DISCUSSION:

The Grand Jury issued two interim reports and one final report. In the May interim report, the Grand Jury included one investigational report related to the alleged use of force by Sheriff Department employees and one investigational report involving the County jail and holding cells. The Grand Jury required that the Sheriff and the Board of Supervisors respond to specific findings and recommendations contained in their reports.

The Sheriff has responded to the reports and forwarded his responses and the Presiding Judge within the required 60-day time frame for department responses. The Sheriff's responses to the reports are attached to this Board letter. The Board of Supervisors is required to file a response with 90 days of the issuance of the report. The following identifies the findings, recommendations and responses to the report for the 2004-2005 Grand Jury Report – Sheriff Department – Citizen Complaints Investigation of Alleged Excessive Force.

Finding A

Policies and Procedures of the Sheriff's Department do not have specific instructions on requiring X-Rays for head injuries incurred during arrest and/or detainment.

Response

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005). Existing policies do require that medical experts evaluate injuries. The determination as to the appropriate follow-up evaluation and/or treatment appropriately rests with medical experts.

Finding B:

The Sheriff's Department policies and procedures do not have specific instructions to seek more than one forensic medical autopsy when death occurs during arrest and/or detainment.

Response

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005).

Finding C:

The Sheriff's Department written policies and procedures regarding restraint, and force during arrest and/or custody are not explicit.

Response

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005). The responsibility for assuring that the Sheriff's Department written policies provide the appropriate level of guidance and direction to Sheriff Department staff rests with the Sheriff-Coroner. (See response to Recommendation C).

Recommendation A

When a death occurs during an arrest or while in detainment, an independent review of the autopsy report and other supporting medical reports should always be performed by a qualified forensic pathologist, as was the case with Jay Vestal. This should be included into Sheriff's Department policies and procedures. (Findings B and C)

Response:

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005). It is reasonable that an independent review be performed when the cause of death is disputed or is not clear.

Recommendation B

When an individual has incurred a head injury during arrest or detainment, the arresting officer should make a formal request for head x-rays. This should be included in the Sheriff's Department policies and procedures. (Findings A and C)

Response:

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005). The Sheriff indicates a willingness to examine the recommendation. While it is appropriate for the arresting officer to provide information about the circumstances related to the arrest, a medical professional, rather than a Sheriff Deputy, is the appropriate entity to diagnose and recommend a medical course of action.

Recommendation C:

The Sheriff's Department should consider having an appropriate outside organization, such as The Commission on Accreditation for Law Enforcement Agencies (CALEA), review and audit its policies and procedures. (Finding C)

Response:

Adopt Sheriff- Coroner's response (see attached letter from Sheriff-Coroner dated July 7, 2005). The Sheriff-Coroner's decision to consult with an assessor for the Commission on Accreditation for Law Enforcement Agencies (CALEA) is an appropriate step in assuring that the policies and procedures related to the use of force are consistent with accepted standards.

Other Agency Involvement

The Sheriff's Department was contacted as part of the development of the responses to the Grand Jury Report.

Financial Considerations

N/A

Results

Approval of the Grand jury response will assure the County's compliance with the California Penal Code.

July 7, 2005

The Honorable Michael T. Duffy
Presiding Judge of the Superior Court
San Luis Obispo County Superior Court
County Government Center
San Luis Obispo, California 93408

**RESPONSE TO 2004-2005 GRAND JURY REPORT ON INVESTIGATION OF
ALLEGED EXCESSIVE FORCE**

Dear Judge Duffy:

The above entitled Grand Jury report was received by me on May 5, 2005. The investigation and report focused on citizen concern about the alleged use of excessive force by sheriff=s deputies during arrest and detainment and specifically addresses three recent cases; the death of Jay Vestal during arrest; the death of Keith Yecny while in detainment, and; the head injury sustained by Gerald Bernales during arrest, which resulted in a civil claim of permanent brain damage.

It should be noted that in the Vestal and Bernales cases, lawsuits were brought against the County which were subsequently dismissed as the result of an agreed settlement involving payment by the County to plaintiffs. These settlements did not include any admissions of fault by the county or findings that excessive force was used.

In the Yecny matter, litigation is anticipated, as a claim has been presented to and rejected by the County and attorneys have been retained on behalf of the potential plaintiffs.

PAGE 2 - RESPONSE TO GRAND JURY REPORT - EXCESSIVE FORCE

The department made available all reports, photographs, video tape recordings, audio recordings, and other investigative materials in each of these three cases, to members of the Grand Jury and cooperated with their investigation. The department agrees with the conclusions reached by the Grand Jury.

My response to their findings and recommendations are as follows:

Findings

- A. *Policies and Procedures of the Sheriff=s Department do not have specific instructions on requiring x-rays for head injuries incurred during arrest and/or detainment.*

The department agrees with this finding, however points out that specific instructions are found elsewhere in policy and procedures to provide emergency and advanced first aid and summon medical experts to evaluate, treat and transport injured persons, including those being arrested or detained.

- B. *The Sheriff=s Department policies and procedures do not have specific instructions to seek more than one forensic medical autopsy when death occurs during arrest and/or detainment.*

The department agrees with this finding.

- C. *The Sheriff=s Department written policies and procedures regarding restraint, and force during arrest and/or custody are not explicit.*

The department disagrees with this finding. Policies and procedures as to use of force do provide sufficient detail and explanation to prohibit the use of excessive force.

Recommendations

- A. *When a death occurs during an arrest or while in detainment, an independent review of the autopsy report and other supporting medical reports should always be performed by a qualified forensic pathologist, as was the case with Jay Vestal. This should be included into Sheriff=s*

PAGE 3 - RESPONSE TO GRAND JURY REPORT - EXCESSIVE FORCE

Department policies and procedures. (Findings B and C)

The recommendation will not be implemented because it is not reasonable. It is cost prohibitive to contract out for an independent review in every case, particularly when the cause of death is clear and not likely to be disputed. The department will cause a second independent review to be performed by a qualified forensic pathologist in cases in which the cause of death is equivocal or likely to be disputed.

B. When an individual has incurred a head injury during arrest or detainment, the arresting officer should make a formal request for head x-rays. This should be included in the Sheriff=s Department policies and procedures. (Findings A and C)

The recommendation requires further analysis, as existing policy instructs deputy sheriffs to provide emergency first aid then defer evaluation and treatment to health professionals for persons who are injured or ill. The decision to require head x-rays should be made by a medical doctor and should not be influenced by a law enforcement policy. The department will take this up with medical experts and county counsel within the next three months.

C. The Sheriff=s Department should consider having an appropriate outside organization, such as The Commission on Accreditation for Law Enforcement Agencies (CALEA), review and audit its policies and procedures. (Finding C)

The recommendation has been implemented. The department has consulted with an assessor for the Commission on Accreditation for Law Enforcement Agencies (CALEA), who is currently reviewing policies and procedures and will make recommendations for changes, if so indicated.

Sincerely,

Patrick Hedges
Sheriff-Coroner

TO: Board of Supervisors

FROM: David Edge, County Administrative Officer

DATE: June 14, 2005

SUBJECT: Response to the 2004-2005 Grand Jury Report on the Tobacco Tax Program and First 5 Commission early child development program

RECOMMENDATION

It is recommended that the Board adopt the attached response to the Grand Jury Report on the Tobacco Tax and First 5 Commission early child development program.

DISCUSSION

The Grand Jury issued an interim report in March of 2005. The interim report addressed six topics pertaining to County operations. Only two of the topics required responses by your Board and the remaining four reports were informational in nature, not requiring a response. The Board of Supervisors has already approved a response for the Grand Jury report dealing with "County Government Services Lack Directions: You Can't Get There from Here". The second report requiring a Board response is related to the First 5 (Children and Families) program. The Grand Jury requires the First 5 Commission to respond to this report by May 31, 2005 and the Board of Supervisors must respond to the report by June 30, 2005. This Board item provides the recommended Board of Supervisors response to the Grand Jury report within the required time frame.

As noted in the Grand Jury report, the California Children and Families Act of 1998 (Prop 10) imposed a 50 cent per pack tax on cigarettes. The Act also created a state commission which provides general oversight of early childhood programs funded by the tobacco tax. Twenty percent of the tobacco tax revenue is directly controlled by the state commission and the remaining 80 percent of that revenue is controlled by county commissions. The state commission has authority to issue guidelines to the local commissions and gather the local commissioners' strategic plans and the audits and allocate funds based upon results. County Boards of Supervisors have the power of appointment and removal of First 5 commissioners. The Board of Supervisors does not have discretionary authority regarding how the tobacco tax revenues are expended. County Counsel notes that the Board does have the discretionary power to order the Auditor-Controller to "audit the accounts of any department, office, board or institution under its control and any district whose funds are kept within the County treasury." The problem with that, as the County Auditor notes, is that the state's elimination of the Board's budgetary discretion means the Commission is not under the full control of the Board. And, while it is true that the Commission's funds are kept in the County treasury, they are not a "district" as has been traditionally defined. In short, the Board has no authority to substitute its judgment for that of the First 5 Commission in selecting

projects or programs for funding and the Board's ability to require the Auditor-Controller to audit the expenses of the First 5 Commission for purposes of determining whether expenditures are legal - and record keeping proper - is open to question as well.

OTHER AGENCY INVOLVEMENT

The First 5 Commission, County Counsel and the Auditor-Controller .

FINANCIAL CONSIDERATIONS

There are no specific expenses related to the recommended responses.

RESULTS

Approval of the Grand Jury response will assure the County's compliance with the California Penal Code.

TO: Honorable Michael Duffy, Presiding Judge
California Superior Court, San Luis Obispo

FROM: San Luis Obispo County Board of Supervisors

DATE: June 14, 2005

SUBJECT: Response to the 2004-2005 Grand Jury Report on the Tobacco Tax Program and First 5 Commission early child development program

This memo provides the Board of Supervisors' formal response to the report on the tobacco tax program and First 5 Commission early child development program contained in the March 2005 Interim Grand Jury Report. It is important to note that the Board of Supervisors has no authority to substitute its judgment for that of the First 5 Commission in selecting projects or programs for funding.

FINDINGS

1. Invoices submitted by First 5-funded projects are not audited against actual expenditures.

Response: The County has not audited the First 5 Commission so we are unable to agree or disagree with this finding. However, based on the First 5 Commission's response to the Presiding Judge (attached), it appears that some auditing functions have been performed and the Commission is in the process of strengthening those processes in the future. The County will recommend that the Commission's financial audits include procedures to ensure compliance with all state and federal regulations.

2. The County does not audit summaries of expenses for individual First 5-projects to gain assurance about whether they are free of material misstatements or illegal transactions.

Response: The County agrees with this finding.

3. The 'success indicators' for the Childcare Retention Initiative have not been supported with data on results.

Response: The County is unable to agree or disagree with this finding. While the state has the authority to allocate funds to individual commissions based on results, the Board of Supervisors has no authority to determine which projects or programs should be funded.

4. Child abuse/neglect victims have disproportional higher incidences of developmental delays and medical and/or social problems; and about 35 percent of homeless adults and 30 percent of California prisoners have a foster care history.
5. The First 5 program does not currently support a project aimed at helping abused/neglected children under the age of five who are wards of the court.
6. The Commission has not adopted a policy to establish a monetary or percentage limit for administrative expenses.
7. The Commission asserts that its carry-over balance will sustain existing programs in the future as Prop 10 tax revenues decline.
8. Until 2003-04, the Commission did not have a program to attract any non-Prop 10 matching funds in support of its initiatives.

Response: Based on the First 5 Commission's response, the Board of Supervisors agrees with Findings 4-8.

RECOMMENDATIONS

1. The Commission should require evidence that a financial audit has been performed for every funded project and receive a copy of the audit report. (Re: Findings 1 and 2).

Response: The First 5 Commission will implement this recommendation by June 30, 2005.

2. To evaluate the Child Staff Retention project, the defined 'indicators' for that project need to be supported with data. (Re: Finding 3)

Response: The First 5 Commission will implement this recommendation by September 30, 2005.

3. The Commission should initiate a project aimed at helping abused/neglected children under the age of five who are wards of the court. (Re: Findings 4 & 5)

Response: The Board of Supervisors does not have the authority to determine which projects or programs are funded.

4. The Commission should adopt a policy establishing a monetary or percentage limit for its administrative expenses. (Re: Finding 6)

Response: The Board of Supervisors does not have the authority to limit the Commission's administrative expenses. However, the Board encourages the Commission to continue its efforts to control administrative costs and to carefully consider the policies and guidelines on this matter that will be made available from the state.

5. The Commission should actively pursue attracting additional funding from non-Prop 10 funding sources. (Re: Findings 7 & 8)

6. To address sustainability of its programs in the future, the Commission should work hard to identify and apply for any available grants, gifts, donations, and other sources of non- Prop 10 funding. The increased exposure to charitable organizations, foundations, and other government entities could have the added benefit of activities being cost-shared with or transferred to other agencies or organizations. (Re: Findings 7 & 8)

Response: The Board of Supervisors does not have the authority to require the Commission to actively seek external funding. However, the County did provide an incentive for the First 5 Commission to increase funds by offering a dollar-for-dollar match of up to \$200,000 per year.



COUNTY OF SAN LUIS OBISPO
Information Technology Department
County Government Center Room 400, San Luis Obispo, CA 93408
(805) 781-5050 FAX: (805) 781-1388
Janette D. Pell, Chief Information Officer

To: Honorable Board of Supervisors

From: Janette D. Pell, CIO

Date: May 10, 2005

Subject: RESPONSE TO 2004-2005 GRAND JURY REPORT ON THE COUNTY'S WEB SITE AND GOVERNMENT CENTER SIGNAGE

Following a detailed review of the Grand Jury report on the County's web site and Government Center signage, the Information Technology Department (ITD) is hereby responding to the findings and recommendations as follows within this document. The findings and recommendations specifically concerning signage which are unrelated to technology are not within the scope of the Information Technology Department and are addressed by the County's General Services Department.

Findings

- 4) Visitors to the Government Center might miss seeing the computer-based self-help directory that is located near one of the information desks. ITD agrees with this finding.
- 8) The web-based county service directory does not have a search engine, which makes it difficult to locate a county service using descriptive information that differs from that used by the County. ITD agrees with this finding.
- 9) The public telephone book for San Luis Obispo County lists departments, but not services. The names of departments often are not sufficiently descriptive of the services the county provides for many people to determine whom to call to inquire about a service. ITD agrees with this finding.
- 10) Functional organization charts for county government organizations are not available in public areas of the Government Center, at the information desks, or on the county web site. ITD agrees with this finding.

Recommendations

- 6) Develop and implement a user-friendly county web site that includes a search engine that recognizes synonyms and a "one-stop-shop" portal for all government services (state, city, county, and perhaps federal). (Re: Finding #8)

Response

In fall 2003, the County formed a Community of Interest (COI) to begin planning for a revision of the County web site. The goal of the COI was to transform the County's

current web site into a highly accessible, service-oriented portal that addresses public demand for government services in a professional, reliable, and responsive manner.

A prototype of a new County web site has been developed to make government information and services available and accessible via the web. As an integral part of this delivery, a scalable, standardized architecture will be implemented that positions the County to integrate services with other government agencies: local, state, and federal.

The County has ordered hardware and software required to build a County-wide web solution and has begun the evaluation process for the purchase of a Content Management system. The implementation of a Content Management system will enable the following:

- ♣ A search engine
- ♣ The ability for departments to keep their web page content up-to-date
- ♣ Workflows to ensure that only authorized personnel can change web content
- ♣ Electronic forms
- ♣ Compliance with Americans with Disabilities Act (ADA) (section 508).

The new County web site is expected to be publicly available by the spring of 2006.

- 7) Provide access to the county web site and any other electronic information on County services at each of the information desks. (Re: Finding #4)

Response

ITD is currently developing maps of County department locations that can be accessed by the department name or service provided. Additionally, ITD has access to computers that are scheduled to be surplus that can be placed in strategic locations in County government facilities. These computers will be used as kiosks and will provide access to the County web site only. ITD is also exploring the option of having a phone available at the kiosk so that citizens who are having a problem navigating the website can get assistance from the information line. These activities will be complete by spring of 2006.

ITD plans to work with General Services to ensure that proper signs, calling attention to the electronic kiosks, describing uses, etc. are placed above or near the kiosks.

- 8) On the county web site homepage, provide a "help-line" phone number and an e-mail address that responds to the question "How do I find _____ services?" (Re: Finding #8)

Response

ITD has added a "Contact us" button on the County home page that provides the County's main number, 805-781-5000 and the toll free number, 800-834-4636.

ITD plans to implement the search capability no later than spring 2006. Once the search engine is functional, citizens will be better able to locate services. The capability to search the new County web site will allow for a more citizen-centric view of County services and locations.

- 9) In the public phonebook, place a service directory that links services to departments or provides numbers to call for specific services. Also provide the web site address for the County Homepage. (Re: Finding #9)

Response

In the SBC Government pages in the phone directory, the County can list phone numbers and addresses in alphabetical order by service and by department. In addition, appropriate County web site information can be included with each department and service.

The County will begin updating the SBC phone directory in May 2005 so will be able to implement this recommendation for the new phone directories that are distributed in January 2006.

- 11) Provide computer-based self-help stations that can be used by the public to locate county services. These stations should be strategically placed, highly visible to the public, and linked to the county web site and to any other pertinent information bases. (Re: Findings #1 and 4)

Response

ITD is currently developing maps of County department locations that can be accessed by department name or service provided. Additionally, ITD has access to computers that are scheduled to be surplus that can be placed in strategic locations in County government facilities. These kiosks will provide access to the County web site only. ITD is also exploring the option of having a phone available at the kiosk so that citizens who are having a problem navigating the website can get assistance from the information line. This recommendation will be implemented by spring of 2006.

ITD plans to work with General Services to ensure that proper signs, calling attention to the electronic kiosks, describing uses, etc. are placed above or near the kiosks.

TO: Honorable Board of Supervisors

FROM: David Edge, Administrative Officer

DATE: May 10, 2005

SUBJECT: Response to the 2004-2005 Grand Jury Report on the County's website and Government Center Signage

Following a detailed review of the Grand Jury report on the County's website and government center signage, the Administrative Office is hereby responding to the findings and recommendations as follows in this document.

Findings

11) The County does not have an integrated and coordinated public outreach program. Any awareness efforts are done on an ad hoc basis, department-by-department. The Administrative Office agrees with this finding.

Recommendations

10) Develop functional organizational charts for every county office, division, department, etc. These charts should be descriptive of the services provided by each organization and they should provide the names of key personnel for each function. Display these charts at the information desks, other key locations in the Government Center, other appropriate county facilities, and on the county web site. (Re: Finding #10)

Response

Detailed organization charts for each County department currently exist. However, given that there are over 25 County departments it is not logistically practical to post each of these organization charts at various locations throughout the county, and as such this recommendation will only be partially implemented. A summary level organization chart will be provided to the information desks. In addition, as the County's website is updated, organization charts will be made available online. The summary level organization chart will be made available to the information desks by July 30, 2005 and it is planned that the County's website updates will be complete by spring of 2006.

12) Consider an integrated County Services Awareness Program. This program could include a "Know Your County Government" lecture or lecture series given by selected county officials to civic organizations and schools. Widely publicize the availability of this lecture series. (Re: Finding #11).

Response

In the past, the county has offered various information and education services to various organizations but there was not much interest on behalf of the organizations. Because of this, this recommendation will not be implemented. However, should certain organizations be interested in information regarding county operations and activities, the county would be happy to provide such information.

13) Develop a "Know Your County" brochure and place it at various locations throughout the County Government Center. This brochure should be bilingual English/Spanish and updated as necessary.

Response

The County Budget book provides general and detailed information regarding the county's services, operations, and finances. Additionally, the League of Women Voters has an informational brochure regarding county services. Both of these publications will be made available to the information desks by June 30, 2005. The budget document is currently produced in English and there are not any plans to create the document in Spanish. It will be up to the League of Women Voters as to whether or not they would like to produce a Spanish version of their brochure.

14) Develop coordinated county departmental brochures that include every department and appropriately display them in all county buildings. (Re: Finding #11).

Response

Several county departments already have informational brochures. With respect to the departments that do not have informational brochures, the decision will be theirs whether or not to create them; based upon the availability of resources. The existing brochures will be made available to the information desks by July 30, 2005.

TO: HONORABLE BOARD OF SUPERVISORS

FROM: DUANE P. LEIB, GENERAL SERVICES DIRECTOR

DATE: MAY 10, 2005

**SUBJECT: RESPONSE TO THE 2004-2005 GRAND JURY REPORT ON THE
COUNTY'S WEB SITE AND SIGNAGE**

OVERVIEW:

The Grand Jury Report on the County's Web Site and Government Center Signage comes at an opportune time. The County Administrative Office, Board of Supervisors and many County departments are in the process of moving into the new County Government Center. Due to departments moving to new facilities, the signage is in a state of transition. The Grand Jury's recommendations can and will be incorporated into the new program being developed for the vacated area. The Grand Jury did not comment on the new area because it was under construction during the period of their study but it is my speculation they will find the new signage more satisfactory, as will the public.

A signage committee is in the process of being formed by the County Administrative Office.

GRAND JURY FINDINGS

- 1) There is only one service directory displayed in the Government Center.

Answer: This is correct and it is due to be reconfigured for new tenants.

- A)** The directory is located in a low traffic corridor.

Answer: Agree. This is correct although we do not have a pedestrian count to verify just how low the pedestrian traffic is.

- B)** The directory does not provide the level of detail needed to find many County services.

Answer: Agree. This may be true at the moment but all directories will soon change with changing occupants.

- C)** The directory does not include Spanish.

Answer: Agree. The County will be forming a signage committee and the option of bilingual signage will be evaluated.

- 2) Many entrances to the County Government Center lack signs that direct visitors to the lone wall-mounted service directory, a computer tied to the county web site, or to the two volunteer - staffed information desks.

Answer: Agree. Corrections of signage deficiencies is a “works in progress”. We have a unique opportunity at present to study and direct a signage program to a better conclusion. The two information desks referenced are staffed and run by two different departments. The information desk at the main Monterey Street entrance is staffed by volunteers administered under General Services and is intended for overall County information. The information desk at the Palm Street entrance is staffed by the County Court system and has a Court information focus. It is this station that has a computer that currently is not available for public use. The General Services information desk does not have a computer.

- 3) Signs at the information desks do not specify the kinds of information available, i.e., County - service assistance to County departments and offices, or court information.

Answer: Agree. As in item 2 above, this program is a works in progress.

- 4) Visitors to the Government Center might miss seeing the computer - based self help directory that is located near one of the information desks.

Answer: Partially Agree. The computer based information system belongs to the court and is intended for court use only. The County does not have a computer based information system at this time.

- 5) Training for information desk volunteers is limited to a short overview of the County, plus on-the-job experience. Consequently, their knowledge of County services and directions to them may not be thorough and/or updated as information changes.

Answer: Agree. Training for volunteers will be increased and refreshed annually or as conditions change within the building.

- 6) The volunteer staffed information desks are frequently not staffed.

Answer: Partially agree. It is not clear how “frequently not staffed” is being defined. The information desks are staffed the majority of the time but it is recognized that there is not 100% coverage during the county’s open business hours. General Services is attempting to get a commitment for increased staffing from RSVP (volunteer resource).

- 7) There is no sign that points out the loose-leaf services directory located at the information desks.

Answer: Partially Agree. The loose leaf service directory is actually not intended for the general public, but rather as a reference guide for the volunteers who staff the information desk.

- 10) Functional organization charts for County government organizations are not available in public areas of the Government Center, at the information desks, or on the County web site.

Answer: Agree. We will look at making a county organizational chart available at the public information desks.

RECOMMENDATIONS

1. Provide clear directions to County services, in English and Spanish, in and around the County Government Center (re: Findings #1, 2 & 3)

Answer. Several years ago, the Board of Supervisors gave direction to county staff to not include any language other than English on signage. This direction will be reviewed. The existing signs will be updated as county departments change locations due to the completion of the new Government Center. The new signage at the existing government complex, subject to adequate funding, should be in place by June 2006.

2. Staff the information desks during all regular hours of business with adequately trained volunteers/employees and provide an up-to-date directory. (Re: Findings #6 & 7).

Answer: The County is attempting to utilize more volunteers and develop a loose leaf desk directory for the public to use. These activities will be complete by December 2005.

3. Have a back-up system for time when volunteers are not available. (Re: Finding #6)

Answer: The County back up system proposed when volunteers are not available would be a “red phone” for the public to pick up and call an information resource person. The “red phone” option will be further evaluated and decided upon by November 2005.

4. When necessary, fill in the gaps in volunteer staffing with County employees. (Re: Finding #6)

Answer: Due to budgetary constraints, county staffing will not be available to fill-in for the volunteers when the volunteers are unavailable. Instead, we propose a “red phone” system.

5. Develop and implement a training course that includes a resource manual that lists information about the County. The resource manual should also be available to the public. (Re: Finding #5)

Answer: More training and an expanded version of the current resource manual are current goals. The training and updates to the training manual will be complete by January 2006.